

352.0778
C43or
1909

Missouri House of Representatives
St. Joseph -
1909

REVISED ORDINANCES
CITY OF CHILLICOTHE, MISSOURI.
REVISION OF 1909.

INDEX TO CITY CHARTER.

A

ACTIONS.	Page.	Sec.
To recover penalty, etc., brought how.....	37	6
ADDITIONS.		
May be made to city, how.....	2	5
Must be approved by city council.....	2	5
APPEALS.		
How and when taken (see State Law 1907).....	7	9
In condemnation proceedings.....	26	8

B

BILLIARD TABLES.		
Power of council over.....	39	3
BONDS.		
Payment of, provided for.....	16	3
Burned, when.	19	10
When issued; time to run; rate of interest.....	22	18
To be registered.....	22	18

C

CHARTER.		
Enactment of, not to invalidate certain prior acts.....	37	10
A public act, evidence in all courts of the state.....	38	12
May be altered at any time by General Assembly.....	38	13
Promulgated, how.	38	14
Other and inconsistent acts repealed.....	38	15
Take effect when.....	38	16
Repeal of acts inconsistent with amendment of 1873.....	39	7
Act of 1873 to take effect, when.....	40	8
Repeal of acts inconsistent with amendment of 1874.....	40	3
Act of 1874 to take effect, when.....	40	4

CHILLICOTHE.

City of, boundaries.....	1	2
Inhabitants of declared a corporation.....	2	3
Name and style of.....	2	3
General rights and powers as a corporation.....	2	3
Divided into not less than four wards.....	2	4
Municipal government of; consists of whom.....	3	1
Shall not subscribe for stock in corporation unless, when.	23	19
Inhabitants of, not disqualified as judge, witness.....	38	11

CITY ATTORNEY.

Office of, appointment; term of office.....	7	7
Duties of.	8	10
Compensation of.	8	11

CITY ASSESSOR.

Duties and powers of.....	16	1
---------------------------	----	---

CITY AUDITOR.

Office of, appointment, term of office.....	7	7
General duties of.....	9	14
Duty of regarding bonds and coupons.....	19	10
May draw warrants, only when.....	19	11
Shall have free access to treasurer's books, etc.....	20	14
Penalty for violation of duty.....	20	14
Appeal from decision of.....	20	15
Shall not speculate in city bonds.....	20	15
Books of open to inspection.....	20	15

CITY CLERK.

Office of, appointment, term of office.....	7	7
General duties of.....	7	8

CITY ENGINEER.

Office of, appointment, term of office.....	7	7
Duties of.	9	13

CITY MARSHAL.

Election of, under old charter, term of office.....	5	20
General powers and duties of.....	8	12
Conservator of the peace, power to make arrests.....	37	9
Ex-officio street commissioner, powers, duties.....	39	5
Appointment of under charter amendment of 1874.....	40	2
Term of office, removal of, how.....	40	2

CITY PHYSICIAN.

Appointment of.	10	1
-------------------------	----	---

CITY RECORDER.

Powers and jurisdiction of.....	7	9
Appeals from decision of, how taken.....	7	9
Removal of from office; fees how fixed and taxed.....	7	9
May set aside finding of jury in condemnation proceedings when.	25	4
Duty of, in case verdict be not set aside.....	25	5
Has authority to agree with property owners, when...	25	6
Shall be the city clerk, powers and duties as such.....	39	4

CITY TREASURER.

Office of, appointment, term of office.....	7	7
General duties of.....	9	15
Custodian of city funds.....	19	10
Disbursements, made how, exception.....	19	10
Shall pay warrants, only when.....	19	11
Shall have free access to auditor's books, etc.....	20	14
Penalty for violation of duty.....	20	14
Shall not speculate in city bonds, etc.....	20	15
Books of open to inspection.....	20	16
Ex-officio tax collector, liabilities as such, etc.....	39	6

COUNCIL.

Legislative powers of, pages 10 to 15, inclusive.		
Special meetings of, how called.....	6	3
Twelve stated meetings of, when and where held.....	4	19
Shall keep a journal; yeas and nays demanded, when..	4	14
Power of, to determine its rules, punish and expel mem- bers.	4	13
May compel the attendance of absent members.....	4	12
A majority a quorum to do business.....	4	12
Shall determine all contested elections.....	4	11
Judge of, qualifications, elections and returns of mem- bers of.	4	11
May try Mayor and remove him from office, when.....	4	7

D

DEFAULTER.

Who considered, not eligible to city office.....	5	24
--	---	----

DOGS.

Subjects of taxation.	17	5
-------------------------------	----	---

E

ELECTION.

Under old charter, time of.....	5	21
Manner of, same as state elections.....	5	25
Under amendment of 1873.....	38	1
Under amendment of 1874.....	40	1
Under amendment of 1903.....	40	1

ELECTORS.

Qualifications of, under old charter.....	5	26
Qualifications of, under charter amendment of 1873....	39	2

F

FISCAL YEAR.

What constitutes.	16	3
---------------------------	----	---

FIRE DEPARTMENT.

Fire limits, fixed by council.....	34	1
Power of council relative thereto.....	34	2
Apparatus, chief, firemen, secured how.....	35	3
Firemen exempt from poll tax and jury service.....	35	4
Engineer and assistant of fire department, appointed...	10	1

FINANCES.

Control of by council.....	10	2
----------------------------	----	---

FINANCIAL STATEMENT.

Published when; shall contain what.....	23	20
---	----	----

G

GENERAL ASSEMBLY.

Power of over city charter.....	38	13
---------------------------------	----	----

H

HEALTH, PUBLIC.

Health, officer, appointment and qualifications.....	29	1
Board of, members.	29	2
Members of, how appointed, vacancies, how filled.....	30	3
Board of health, powers and jurisdiction of, Secs. 4, 5, 6, 7, 8.		
Board of health, general duties of, Secs. 9, 10, 11, 12.		
Penalties for disobeying orders of board.....	32	13
Practicing physicians must make what reports to board..	32	15
Penalty for neglect of physician to make reports.....	33	16
Salary and expenses of board.....	33	17
Council may define further duties of board.....	33	18
Magistrates, officers and citizens to aid board in discharge of duties.	33	19

I

INDEBTEDNESS.

Of the city, limit of.....	23	18
----------------------------	----	----

J

JUROR.

Who not competent as.....	38	11
---------------------------	----	----

JURY.

Shall ascertain damages in condemnation proceedings...	24	1
Qualifications of in such cases.....	24	1

L

LAMPS.

Districts, how formed; tax to support.....	16	4
Erection of.	11	2

LAWS.

Of the State, enforced by Mayor, when.....	6	4
--	---	---

LICENSES.

Council has power over.....	39	3
-----------------------------	----	---

LIEN.

Of taxes, general and special.....	18	8
------------------------------------	----	---

M

MAYOR.

Chief executive officer of city.....	3	2
How elected, term of office.....	3	2
Who eligible to office of.....	3	3
Tie vote for, certified to city council.	3	5
Election of contested, determined how.....	3	6
Guilty of omission of duty, oppression of office, etc., punished how.	3	7
Vacancy in office of, filled how.....	4	8
Duties of.....Secs. 1, 2, 3, 4, 5, 6, 7.		
Powers of.	4	6

N

NUISANCES.

Power of council to define and debate.....	10	2
Certain buildings may be declared to be.....	34	1
Powers of board of health to abate.....	31	9

O

OFFICE.

Elective; vacancy in; how filled.....	10	17
---------------------------------------	----	----

OFFICERS.

Elected or appointed under charter; term of.....	5	22
Elective; vacancies; how filled.....	5	23
To be commissioned by mayor, shall take oath.....	9	16
Public conservators of the peace; power to make arrests, etc.	37	9

ORDINANCES.

Style of.	36	1
Certain ordinances to be published in official newspaper..	36	2
Proof of publication of ordinance, how made.....	36	2
Take effect from what time.....	36	2
Published, when and in what form.....	36	3
How pleaded.	37	4
Remain in force, how long.....	37	5
Actions under, brought in corporate name and how....	37	6
Prosecutions for violations of, by summons, unless when.	37	7
For violation of, warrant shall issue, when.....	37	8

P

PRIVATE PROPERTY.

Taken for public use, how.....	24	1
Procedure to ascertain damages.....	24	2
Duty of jury in case of.....	25	3
Judgments against city on account of damages to, force and effect of.....	26	7
Relinquished by owners to city, how.....	25	6
Appeals may be taken in condemnation proceedings, when and how.	26	8

PROPERTY. PUBLIC.

Control and management of.....	10	2
--------------------------------	----	---

PUBLIC IMPROVEMENTS.

Let by contract, manner of.....	21	17
Contracts for same in triplicate, deposited where.....	21	17

S.

SEWERS.

General system of established, classes of.....	27	10
Classes of, defined.....	27	11
Public, constructed along what courses.....	27	12
District, constructed within what limits.....	27	13
Property owners may petition for.....	27	13
Constructed, how.	27	13
Private, may be connected how.....	27	13
Shall not run diagonally through private property.....	27	13

SIDEWALKS.

Assessment for, when and how made.....	18	7
--	----	---

STREETS.

Grades of, how established.....	26	9
Power of council over.....	11	2

STREET COMMISSIONER.

Marshal shall be.	39	5
Council has power to appoint.....	10	1

T

TAXATION.

Rate of.	16	2
General and special taxes a lien on property.....	18	8

W.

WARDS.

City divided into not less than four.....	2	4
---	---	---

WARRANTS.

Shall issue when.....	37	7-8
-----------------------	----	-----

WATER.

Provided for, how.....	11	2
------------------------	----	---



Digitized by the Internet Archive
in 2016

REVISED ORDINANCES

OF THE

**CITY OF CHILLICOTHE,
MISSOURI.**

EMBRACING

**All Ordinances of General Interest in Force May 7, 1909,
to Which is Prefixed the City Charter; Also List
of City Officials and City Officers.**

**COMPILED, REVISED, NUMBERED AND PUBLISHED
BY AUTHORITY OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF
CHILLICOTHE**

BY

**Baldwin B. Gill, City Attorney.
Forrest M. Gill, Assistant Attorney.**

352.0778
C430r
1909
24731
LIBRARY OF
UNIVERSITY OF
MICHIGAN

CITY OFFICIALS.

C. F. Adams.....Mayor
Stephen Hawkins.....Councilman-at-large
Joseph Batta.....Councilman First Ward
A. B. Macdonald.....Councilman Second Ward
Frank Pierson.....Councilman Third Ward
J. H. Mansur.....Councilman Fourth Ward

CITY OFFICERS.

Halsey I. Spence.....City Clerk
B. B. Gill.....City Attorney
Maurice Dorney.....City Constable
Martin Crill.....Police Judge
Wm. Scruby.....Collector and Treasurer
Buel Wigely.....City Auditor
John W. Toppass.....City Assessor
Joe Broadus....City Engineer and
Ex-officio Street Commissioner

HEALTH DEPARTMENT.

Dr. A. J. Simpson.....Health Officer
Dr. William Girdner.....Secretary

FIRE DEPARTMENT.

R. W. Strehlow.....Chief
Harry E. Pringle.....Assistant Chief
Robert Black.....Chief Driver
Harve White.....Assistant Driver

CITY CHARTER.

AN ACT

To Amend an Act Entitled, "An Act to Incorporate the City of Chillicothe," Approved March 1, 1855, and the Acts Amendatory Thereto.

Be it enacted by the General Assembly of the State of Missouri, as follows:

ARTICLE I.

INCORPORATION—OF BOUNDARIES, GENERAL POWERS AND THE DIVISION OF WARDS.

SECTION

1. All Previous Acts Amended.
2. Boundaries of the City.
3. General Powers.
4. Number of Wards and Boundaries.
5. Additions to the City.

Section 1. That the act incorporating the city of Chillicothe and the acts amendatory thereto, be, and the same are hereby amended as follows:

Sec. 2. All that district of country in Livingston county and State of Missouri, contained in the following limits to-wit: Beginning eight hundred and seventy-two (872) feet north of the (s. e.) southeast corner of the (s. e.) southeast one-fourth of the (n. e.) northeast one-fourth of section thirty-six (36), township fifty-eight (58), range twenty-four (24), in the range line dividing ranges twenty-three (23) and twenty-four (24); thence south along said range line to the southeast corner of the northeast quarter of section No. one (1), township fifty-seven (57), range twenty-four (24); thence west along the quarter section line to the southwest corner of the southeast one-fourth ($\frac{1}{4}$) of the *northwest* one-fourth ($\frac{1}{4}$) of section two (2), township fifty-seven (57), range twenty-four (24); thence north along the quarter section line to a point eight hundred and seventy-two (872) feet north of the southwest corner of the southeast quarter ($\frac{1}{4}$), of the northeast quarter ($\frac{1}{4}$), of section thirty-five (35),

township fifty-eight (58), range twenty-four (24); thence east to the place of beginning.

Sec. 3. The inhabitants of the city of Chillicothe as the same is defined by the provisions of section two (2) of this article, shall be and they and their successors forever are hereby constituted a corporation and body politic, in fact and in law, by the name and style of the city of Chillicothe, and by said name and style shall have perpetual succession, may sue and be sued, may plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real, personal and mixed, within said city, and may also purchase and hold real, personal and mixed property beyond the limits of said city, to be used for the burial of the dead, for the erection of water works to supply said city with water, for a workhouse or a house of correction, and for such other purposes of the corporation as may be required within or without the limits aforesaid; and may improve, sell, lease and dispose of property for the benefit of the city, and to do all such things in relation thereto as natural persons; and may receive bequests, gifts and donations of all kinds of property within and without the city for charitable or other purposes; they shall also have and use a common seal, and may change the same or make a new seal at pleasure, and by ordinances duly ordained and established, make all needful laws and regulations for the government of said city, not inconsistent with this act or the constitution of this State.

Sec. 4. The said city shall be divided into not less than four wards, the boundaries of which shall be fixed by city ordinance, and shall be so established that the population of the several wards shall as near as practicable be equal.

Sec. 5. Additions may at any time be made to said city of lands adjoining the boundaries thereof, by the owner or owners making a plat of such proposed addition, and recording the same in the office of the recorder of Livingston county, after the same shall have been approved by the city council, which shall have the power to require that the streets, avenues, alleys, lots and blocks shall be so arranged as not to injure the symmetry of the city, or interfere with the convenience of the public, and from the time such addition or additions shall have been approved and recorded as aforesaid, they shall become to all intents and purposes part and parcel of said city.

ARTICLE II.

OFFICERS AND THEIR ELECTION.

SECTION

1. City Council.
2. Chief Executive.
3. Qualifications of Mayor.
4. Office, How Vacated.
5. When Tie for Mayor, How Disposed of.
6. Office of Mayor, When Contested How Disposed of.
7. Mayor, How Removed for Malfeasance, etc.
8. Vacancy in Mayor's Office How Filled.
9. Qualifications of Councilmen.
10. Office of Councilmen, How Vacated.
11. Returns and Contests of Members.
12. Quorum.
13. Rules of Proceedings, With Power to Expel Members.
14. Journal of Proceedings to Be Kept.
15. Councilmen Not to Be Appointed to City Office.
16. Vacancies, How Filled.
17. Mayor and Councilmen to Take Oath.
18. Tie Vote for Councilmen, How Disposed of.
19. Stated Meetings.
20. City Marshal.
21. Elections, When; Election Districts; Notice, How Given.
22. Officers to Hold Till When.
23. Vacancy in Elective Offices to Be Filled by Election.
24. Who Disqualified to Hold Office.
25. Elections, How Conducted.
26. Voters, Who, and Residence Defined.

Section 1. The municipal government of the city shall consist of a city council, composed of a mayor and one councilman from each ward, and one councilman from the city at large, who, in the absence of the mayor, shall for the time being discharge the duties of that office.

Sec. 2. The chief executive officer of the city shall be a mayor who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

Sec. 3. No person shall be eligible to the office of mayor who is not a citizen of the United States, of the State of Missouri, and has not resided in the city one year next preceding his election, who is not an owner of real estate in said city, or who holds any office of trust or profit either under the United States or State of Missouri.

Sec. 4. If any mayor shall, during his term of office, remove from the city, his office shall be vacated.

Sec. 5. When two or more persons receive an equal number of votes for mayor, the judges of election shall certify the same to the council, who shall order a new election.

Sec. 6. Whenever an election of mayor is contested, the council shall determine the same by vote.

Sec. 7. In case the mayor shall at any time be guilty of an omission of duty, or shall be guilty of an oppression, malconduct or partiality in the discharge of the duties of his office he shall be tried before the city council, and if found guilty, be removed from office by a two-thirds vote of the members of the said city council.

Sec. 8. Whenever any vacancy shall occur in the office of mayor by death, resignation, removal from the city, removal from office, refusal to qualify, or otherwise, the same shall be filled by an election, held in such manner as shall be prescribed by ordinance.

Sec. 9. The qualifications for councilman shall be the same as those prescribed for mayor.

Sec. 10. If any councilman shall after his election remove from the ward for which he was elected, his office shall thereby be vacated.

Sec. 11. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections.

Sec. 12. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as shall be prescribed by ordinance.

Sec. 13. The city council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-third of the members elected, expel a member.

Sec. 14. The city council shall keep a journal of its proceedings; and the yeas and nays, when demanded by any member present, shall be entered on the journal.

Sec. 15. No councilman shall be appointed to any office under authority of the city.

Sec. 16. All vacancies that occur in the board of councilmen shall be filled by elections.

Sec. 17. The mayor and each councilman, before entering on the duties of their office, shall take and subscribe the oath required of all civil officers by the constitution and laws of this State.

Sec. 18. Whenever there is a tie in the vote for councilmen, the judges of election shall certify the same to the mayor, who shall order a new election immediately.

Sec. 19. There shall be twelve stated meetings of the

city council in each year; at such times and places as may be prescribed by ordinance.

Sec. 20. There shall be a city marshal who shall be elected by the qualified voters of the city at the same time as the mayor and councilmen, who shall hold his office for the term of one year and until his successor shall be duly elected and qualified.

Sec. 21. There shall be an annual election held in said city on the first Tuesday after the first Monday in April each year, for the purpose of electing a mayor, a councilman from each ward, a councilman at large and a city marshal, which said election shall be governed in all respects as far as practicable, by the general election laws of this State, and the city council may establish by ordinance as many election districts and places of voting at said election as they may deem necessary; they shall appoint the clerks and judges for said election; they shall also give at least fourteen (14) days' notice of any election, by publication in some newspaper published in said city.

Sec. 22. All officers, elected or appointed under the provisions of this charter, shall hold their offices until their successors shall be duly elected or appointed and qualified according to law.

Sec. 23. Whenever any vacancy shall happen by the death, removal, resignation or otherwise of any officer, elected by the people, such vacancy shall be filled by a new election, and the city council shall order such new election within ten days after the occurrence of such a vacancy and in such manner as may be prescribed by ordinance.

Sec. 24. No person shall be eligible to any office or place under this act or any other act in relation to said city, who is now, or may hereafter be a defaulter to said city, or to the State of Missouri, or to any city or county thereof, and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect for thirty days after demand made, to account for and to pay over to the party authorized to receive the same any public money which may have come into his possession, and if any person holding any such office or place shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

Sec. 25. The manner of conducting and voting at elections to be held under this act, the keeping of the poll lists, canvassing of the votes and certifying the returns, shall be the

same, as nearly as may be, as is now or may be hereafter provided by law at general State elections, provided the city council shall have power to regulate elections.

Sec. 26. No person shall be entitled to vote at any election under this act, who is not entitled to vote at State elections; he shall moreover be an actual resident of the ward for which he votes, provided that the voter shall be deemed a resident of the ward in which he is accustomed to lodge, or has lodged for ten days next preceding the election at which he votes.

ARTICLE III.

DUTIES OF OFFICERS.

SECTION

1. Powers of Acting Mayor.
2. Councilmen—Conservators of the Peace.
3. Special Meetings—How Called.
4. Mayor, Power and Duties of.
5. To Sign Commissions.
6. May Require Accounts to Be Exhibited.
7. Officers Appointed—By Whom.
8. City Clerk, Duties of.
9. City Recorder, Jurisdiction of.
10. City Attorney, Duties of.
11. Compensation of City Attorney.
12. City Marshal, Power and Duties of.
13. City Engineer, Duties of.
14. City Auditor, Duties of.
15. City Treasurer, Duties of.
16. Officers How Commissioned, Oath Required of Them.
17. Vacancies, How Provided For.

Section 1. The mayor shall preside at all meetings of the city council and shall have a casting vote and no other. In case of a vacancy in the office of mayor, or his being unable to perform the duties of his office, by reason of temporary or continued absence, or sickness, the councilman at large shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office, or the vacancy be filled by a new election.

Sec. 2. The members of the city council shall be fire wardens and conservators of the peace, and shall be exempt from jury duty during their terms of office.

Sec. 3. The mayor or any two councilmen may call special meetings of the city council.

Sec. 4. The mayor shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city, he may upon good cause shown, and by and with the consent of the city council, remit

finer, forfeitures and penalties, accruing from, or imposed for a violation of any city ordinance; he shall have power to nominate and by and with the consent of the city council, to appoint all city officers, not ordered by this act to be elected by the people, or otherwise appointed; also to suspend, and by and with the consent of the city council to remove any city officer except those elected by the people; he may fill any vacancy which may occur in any elective office until the same be filled by election as herein provided; he shall from time to time give the city council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city.

Sec. 5. The mayor shall sign the appointment or commission of every officer, elected or appointed, in the city government.

Sec. 6. That he shall have power, when he deems it necessary, to require any officer of the city to exhibit his accounts or other papers, and make report in writing, touching any subject or matter he may require pertaining to his office.

Sec. 7. There shall be a city clerk, city attorney, city engineer, city auditor and city treasurer, who shall be appointed by the mayor and city council, to hold their offices one year, and until their successors are duly appointed and qualified; who shall in addition to the duties prescribed by this act, perform such other duties as may be prescribed by ordinance; there shall also be such other officers, servants, and other agents of the corporation as may be provided for by ordinance, not in conflict with the provisions of this act, to be appointed by the mayor, by and with the consent of the city council.

Sec. 8. It shall be the duty of the city clerk to attend all the meetings of the city council, to keep a true record of its proceedings, also to keep a record of all the official acts of the mayor, and when necessary to attest them; he shall keep and preserve in his office the corporate seal of the city, and all records, public papers and documents of the city, not properly belonging to any other office; he shall be authorized to administer oaths; copies of all papers filed in this office and transcripts from the records of the proceedings of the city council, duly certified by him, under the corporate seal, shall be taken as evidence in all courts in this State.

Sec. 9. The city recorder shall have the powers and

jurisdiction of a justice of the peace within the limits of the city, in all matters; he shall have exclusive jurisdiction over all cases arising under any ordinance of the city, subject, however, to an appeal in all cases to the Livingston county circuit court or court of common pleas; every such appeal shall be taken and granted in the same manner as appeals from justices of the peace in civil cases. Said recorder shall not be removed except by a two-thirds majority of the city council; his fees shall be fixed by ordinance, and taxed as other costs in the cause.

Sec. 10. The city attorney shall prosecute all violaters of city ordinances and in appellate courts to all appeals in cases originating before the city recorder; he shall appear for the city in all courts of record within this state in any case where the city of Chillicothe is either party, plaintiff or defendant, or a party in interest; he shall in all cases be the legal adviser of the city, and when requested by any officer of the city or city council, shall furnish a written opinion upon any legal question upon which he or they may require information in regard to the duties of his or their office.

Sec. 11. The fees of the city attorney in all cases prosecuted before the city recorder shall be fixed by ordinance, and taxed as other costs in said cause by the city recorder; for all other legal services rendered the city or its officers, a salary or reasonable fees shall be allowed by the city council.

Sec. 12. The city marshal of the city of Chillicothe when duly elected and qualified, shall have power to execute all writs or other processes issued by the recorder, and serve criminal processes, warrants and subpoenas anywhere within the limits of Livingston county for offenses committed within the limits of the corporation, and shall have the same fees therefor as constables of townships; he shall be a conservator of the peace, shall be vigilant and active in the suppression of riots, routs and disorderly conduct in the city, and for this purpose may arrest suspicious and disorderly persons within or without the city, and take them before the recorder for trial or examination without process; he shall have power to commit persons to the workhouse or county jail, or other places of safe keeping until trial or examination can be had, and shall do and perform all duties which may be enjoined on him by ordinance or resolution of the city council; he shall have power to collect all fines, forfeitures and penalties which may accrue to the said city, not otherwise provided

for by ordinance, and the performance of any duty enjoined on him by ordinance or resolution of the city council; he shall be invested with such power as shall be conferred upon township constables by the laws of the State; he shall by virtue of his office be collector of the taxes and revenue within the city, and shall give such bond or bonds and security for the performance of his duties as marshal and collector as may be prescribed by ordinance, and shall make his returns and pay over to the treasurer all money collected by him, as often as required by the city council.

Sec. 13. The city engineer shall superintend the construction of all public works ordered by the city council, shall make out plans, specifications and estimates therefor, and perform surveying and engineering ordered by the city council.

Sec. 14. The city auditor shall be the general accounting officer for the city; he shall audit all accounts and claims against the same under appropriations made by the city council, and draw his warrants upon the treasurer for the amount of such accounts; he shall keep true and just accounts with the city treasurer, and the different funds of said city; he shall extend all tax rolls, endorse thereon his warrant to the treasurer, directing collection for the same; he shall hand in the delinquent tax lists of said city and shall certify to the treasurer the amount due for such delinquent taxes on any lot or lots upon application of the owner thereof to pay the same; he shall take care that the revenue laws of the city are carefully enforced, and shall discharge all such other duties as may be devolved upon him by the ordinances of the city or the provisions of this act, and shall make all reports, estimates and statements required of him by the city council in connection with the business of his office.

Sec. 15. The city treasurer shall pay all warrants legally drawn upon him by the city auditor; he shall keep all necessary books and accounts, and shall have in charge all moneys, bonds, notes, title-deeds and certificates of stock in any corporation, to the stock of which the city shall be a subscriber, and shall faithfully discharge all other duties appertaining to his office that may be devolved upon him by the ordinances of said city, or the provisions of this act, and shall make all reports required of him in connection with the business of this office.

Sec. 16. All officers except the mayor of said city of Chillicothe, elected or appointed under the provisions of this

act, shall be commissioned by the mayor, and before entering upon the discharge of their duties, shall take and subscribe the oath required by the thirteenth section of the second article of the constitution of this State, which said oath shall be endorsed on said officer's commission.

Sec. 17. In case of vacancy in any elective office by death, resignation, removal from office, or otherwise, the mayor shall, within ten days after such vacancy shall occur, cause a special election to be held to fill such vacancy, giving five days' notice of such election, by proclamation; provided, that if such vacancy shall occur within three months of the next general city election, no such special election shall be held, but the person appointed by the mayor shall continue to discharge the duties of such office, and receive compensation therefor.

ARTICLE IV.

LEGISLATIVE POWERS OF THE CITY COUNCIL.

SECTION

1. Officers to Be Appointed—Public Newspaper.
2. Legislative Powers Enumerated.

Section 1. The city council shall have power to appoint a recorder, a city clerk, city treasurer, city engineer, city attorney, city physician, street commissioner, auditor, a chief, and assistant engineer of the fire department, and all such other officers as they may deem necessary; and shall also designate one public newspaper, printed in said city, in which shall be published all ordinances and other matters required in any case by this act.

Sec. 2. The city council shall have the management and control of the finances, and all property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city, by ordinance:

First, To borrow money on the credit of the city, and issue the bonds of the city therefor subject to the restrictions in this article prescribed.

Second, To appropriate money, and provide for the payments of the debts and expenses of the city.

Third. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city, and within three miles thereof.

Fourth, To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and

remove nuisances, and to punish the authors thereof by penalties, fines and imprisonment; to define what shall be deemed nuisances, and to direct the summary abatement thereof.

Fifth, To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs in or under the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Sixth, To have the exclusive control and power over the streets, public grounds and highways of the city; to open, alter, widen, extend, establish grade, pave, or otherwise improve, clear and keep in repair the same, to prevent and remove all encroachments thereon, or obstruction thereof; to put drains and sewers in the same, and to regulate the building of vaults, under sidewalks, and to prohibit the erecting of awnings or sheds, and direct and control the erection thereof.

Seventh, To provide for lighting the streets and erecting of lamps thereon, and to regulate the price and quality of gas.

Eighth, To provide for the erection of market houses, and all needful buildings for the use of the city; to provide for the government and regulation of markets, market places and meat shops, and the amount of license to be paid therefor.

Ninth, To provide for the enclosing, improving and regulating all public grounds belonging to the city.

Tenth, To establish hospitals and provide for the government thereof.

Eleventh, To license, tax and regulate auctioneers, grocers, merchants, retailers and inn-keepers, and to license, tax, regulate or suppress eating houses, restaurants, hawkers, peddlers, brokers, pawnbrokers, intelligence offices, theatrical and other exhibitions, shows and amusements, billiard tables, gift enterprises, tippling houses, dram-shops, ten-pin alleys and ball alleys, and to suppress gaming, gambling houses, bawdy houses and other disorderly houses.

Twelfth, To license, tax and regulate hackmen, draymen, omnibus-drivers, porters, and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation, and to regulate, license and restrain runners for cars, stages and public houses.

Thirteenth, To authorize the proper officers of the

city to grant and issue licenses, and to direct the manner of issuing and registering the same, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than five dollars shall be charged for any license under this act, and the fees for issuing the same shall not exceed one dollar; but no license for the sale of wine or other liquors, malt, ardent, vinous or spirituous, shall be issued for less than fifty dollars.

Fourteenth, To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors by any person within the city, other than those duly licensed; to forbid and punish the selling or giving away of any intoxicating liquors to any minor or habitual drunkard.

Fifteenth, To restrain and punish engrossing, forestalling and regrating; to regulate the inspection, vending of fresh meats, poultry and vegetables, or butter, lard and other provisions, and the place and manner of selling fish, and inspecting the same.

Sixteenth, To require all traders or dealers in merchandise or property of any description, which is sold by measure or by weight, to cause their measures or weights to be tested and sealed by the proper officer, and to be subjected to his inspection; the standards of such weights and measures shall conform to those established by law.

Seventeenth, To regulate and provide for inspecting and measuring lumber, shingles, timber, posts, staves, headings, and all kinds of building materials, and for measuring all kinds of mechanical work, and to appoint one or more measurers and inspectors therefor.

Eighteenth, To, provide exclusively for the inspection and the weighing of hay, lime and stone coal, and the place of selling the same; to regulate the measurement of firewood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same.

Nineteenth, To regulate and control the storage of gunpowder, coal oil, and burning fluids, tar, pitch, rosin, lumber and other combustible materials, and the location of lumber, coal and wood yards, or other places for the keeping and sale of articles and materials in danger of fire, and to compel the owner of any property, grocery, cellar, soap or tallow chandlery, blacksmith shop, tannery, stable, slaughter house, distillery, brewery, sewer, sink, privy, or other unwholesome or nauseous place, to clean, remove, or abate the same, as may

be necessary for the health, comfort and convenience of the inhabitants.

Twentieth, To regulate the inspection of beef, pork, flour, meal and other provisions, whisky and other liquors, to be sold in barrels, hogsheads, and other vessels or packages; to appoint weighers, guagers and inspectors, and to prescribe their duties, and to regulate their fees; provided, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of this State, except at the request of the owner or his agent.

Twenty-first, To regulate the weight and quality of bread to be sold within the city.

Twenty-second, To create, regulate and establish the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

Twenty-third, To prevent and suppress any riot, rout, affray, noise, disturbance, or disorderly assembly in any public or private place within the city.

Twenty-fourth, To prevent, prohibit and suppress horse-racing, immoderate riding or driving within the city, and authorize persons immoderately riding and driving as aforesaid, to be stopped by any person, to prohibit it, and punish the abuse of animals; to compel persons to fasten their animals attached to vehicles while standing in the streets.

Twenty-fifth, To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Twenty-sixth, To prohibit the running at large of cattle, hogs and other animals, and to authorize the impounding and sale of same.

Twenty-seventh, To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction, when at large contrary to ordinance.

Twenty-eighth, To prohibit the rolling of hoops, flying of kites, or any other amusement or practice tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods and all other noises, performances and practices tending to the collection of persons on the streets and sidewalks by auctioneers and others for the purpose of business, amusement or otherwise.

Twenty-ninth, To provide for taking an enumeration of the inhabitants of the city.

Thirtieth, To erect or establish a workhouse or house of correction, make all necessary regulations therefor; and appoint all necessary keepers or assistance; in such workhouse or house of correction may be confined all vagrants, stragglers, idle and disorderly persons who may be committed thereto by the proper officer, and all persons sentenced by the recorder's court in the city of Chillicothe, for any offense cognizable by said court; and person who shall fail or neglect to pay any fine or penalty, or costs imposed for any misdemeanor, or breach of any ordinance of the city may be kept therein, subject to labor and confinement.

Thirty-first, To direct and control the construction and laying of railroad tracks, bridges, turnouts and switches in the streets and alleys, not interfering with the right of way, under such conditions as may be granted by the charter of any railroad company; to require that the railroad track, bridges, turnouts and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and the use of the streets or alleys, and that sufficient space shall be left on either side of said track for the safe and convenient passage of teams and persons; to require the railroad companies to keep in repair the streets and alleys through which their tracks may run, and to light the same; to construct and keep in repair suitable crossings at the intersections of the streets and alleys, ditches, sewers and culverts; to direct the use and regulate the speed of locomotive engines within the limits of the city; to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

Thirty-second, To regulate the size of brick to be sold or used in the city.

Thirty-third, To pass, publish, amend and repeal all ordinances, rules and police regulations, in harmony with the constitution and laws of the United States and of this State and the provisions of this act, and necessary for the good government, peace and order of the city, and the trade and commerce thereof, and that may be necessary and proper for carrying into effect the provisions of this act and the powers vested thereby in the corporation, or any department or officer thereof. To enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the city prison or workhouse; but no fine or penalty shall exceed two hundred

(200) dollars, nor imprisonment to exceed six months for any violation of any ordinance of the city, and such fine or penalty may be recovered with costs by suit in the name and for the use of said city, before any court of competent jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same, with costs, and in default thereof may be imprisoned in the city prison or workhouse, or be required to labor on the streets or public works of the city for such time and in such manner as may be prescribed by ordinance.

Thirty-fourth, To regulate the election of all elective city officers, and provide for the removing from office of all persons holding office under the provisions of this act, where such election and removal is not otherwise provided for by this charter.

Thirty-fifth, To provide for the appointment of all officers, servants and agents of the corporation not otherwise provided for.

Thirty-sixth, To fix the compensation of city officers and regulate the fees of all jurors, witnesses and others, for services rendered under this act, or by any ordinance, provided that the compensation of no officer herein provided for be increased or diminished during his term of office.

Thirty-seventh, To provide for the assessment, levying and collecting of the taxes herein provided, upon all property made taxable for State purposes within the limits of the city, and not exempt by general law from municipal taxation.

Thirty-eighth, To cast the vote of the city in all elections for directors or other officers of railroads or other corporations, in which said city shall be a stockholder.

ARTICLE V.

REVENUE.

SECTION

1. Assessment Rolls.
2. Amount of General Tax to Be Levied.
3. Tax for Payment of Interest on City Bonds, etc.
4. Tax for Lighting Streets.
5. Poll Tax—Tax on Dogs.
6. Tax for Markets, City Hall, Hospitals, Work Houses, etc., and for Improvement of Streets.
7. Special Tax to Construct Sidewalks.
8. Such Taxes Liens Against Property Assessed—Payment thereof Enforced How.
9. Deeds of Lands Sold for Taxes, How Executed.
10. Duties of City Treasurer in Connection With the Redemption of Bonds and Coupons.

11. Drawing of Warrants Under Appropriations, Regulated How.
12. Appropriations Not to Exceed Income by More Than \$1,000.
13. Other Appropriations to Be First Submitted to a Vote of Qualified Electors.
14. Penalty on Auditor and Treasurer for Malfeasance in Office.
15. Appeals From Auditor's Decisions.
16. Moneys Paid in to Be Receipted for, and Accounts Thereof Kept How.
17. Mode of Letting Contracts for City Work.
18. Power of City Council to Borrow Money and Issue Bonds of City.
19. Proposition to Subscribe Stock in any Corporation Must be Acted on, How.
20. Annual Reports of Auditor and Treasurer—Financial Statement to be Published.
21. Bonds to be Given by City Officers.

Section 1. The city council shall have power by ordinance to prescribe the form of assessment rolls, and prescribe the duties and define the powers of assessors; provided, that assessors shall have the same powers as State assessors. The city council may also make such rules and give such directions in relation to revising, altering or adding to the rolls as they may deem proper and expedient.

Sec. 2. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, taxable by law for State purposes within the limits of said city, and not by general law exempt from municipal taxation, not exceeding one-half of one per cent per annum upon the assessed value thereof, to defray the contingent and other expenses of the city, not herein otherwise provided for, which taxes shall constitute the general fund.

Sec. 3. The city council shall each fiscal year levy and cause to be collected a tax on all the real and personal property, taxable by law for State purposes within said city, and not by general law exempt from municipal taxation, sufficient for the payment of all interest and bonds, for the payment of which the said city is liable during said fiscal year, which year shall commence the first day of April and end the thirty-first day of March following, and said tax, when collected, shall be applied exclusively to such payment and to no other purpose; provided, however, that if in any fiscal year the amount of bonds maturing shall exceed twenty thousand dollars, the city council shall provide for the said excess by the re-issue of bonds bearing no higher rate of interest, and running for no shorter term of years, than were the bonds in excess so maturing at the date of their issue.

Sec. 4. The council shall have power to levy and collect on the real estate in the lamp district or districts which they

can from time to time create, a sufficient tax to defray three-fourths of the expense of lighting the streets in such district or districts respectively.

Sec. 5. The city council shall have power to levy and collect a poll tax not exceeding one dollar and fifty cents for every year upon all male persons, residents of the city, over the age of twenty-one years, and under fifty years, which tax shall be appropriated to the improvement of the streets within the limits of the city, and to no other purpose. All residents of the city shall be exempt from working on the public roads or highways beyond the city limits, nor shall they be compelled to pay any poll tax for keeping the same in repair. The city council shall also have power to levy and collect a tax on dogs not exceeding five dollars, nor less than one dollar, whether male or female, or pups.

Sec. 6. The city council may levy and collect a special tax on all real and personal property within the city, taxable by law for State purposes, and not by general law exempt from municipal taxation, for the erection of markets, city hall, hospitals, or workhouses, water works, and gas works, within or without the city limits, for the purchase of market grounds, public squares, parks, gas works, or any public improvements; provided, that the estimated cost of such improvements or purchases may be apportioned by the city council and collected by a series of annual assessments; but no tax or taxes shall be levied in any one year, under this section, which shall exceed five mills on the dollar on the property assessed for any and all purposes in this section specified; provided, further, that the proposition for such special tax shall have been first submitted to a vote of the qualified voters of said city, and approved by a majority thereof; provided, however, that the mayor and city council shall have power to levy a tax on all real and personal property in the city taxable for State purposes, and not exempt by law from municipal taxation, not exceeding one per cent, in order to complete the market house and city hall building already commenced and in course of construction, without any vote being taken on the same. Whenever the owners of a majority of the real estate fronting on any street, avenue, lane, alley, or any part thereof, shall petition the city council to grade, pave or macadamize such street, avenue or alley, the city council shall order an assessment to be made of all the property fronting on such street, lane, avenue or alley, or parts thereof, proposed to be graded,

paved or macadamized, and shall levy and collect a special tax according to extent of front of the property fronting on the same to the amount of one-half of the sum required to make the improvement petitioned for, and the city council shall supply the remainder from any money in the treasury not otherwise appropriated.

Sec. 7. Whenever it shall appear to the city council that a sidewalk is needed for public convenience along any avenue or street, or whenever the owners of a majority of the real estate fronting on any avenue, street or block thereof, shall petition the city council to construct sidewalks along the side or sides of such avenue, street or block thereof, the city council shall order an assessment to be made of all the property fronting on the avenue, street or block along which the proposed walk is to be constructed, and shall levy and collect a special tax according to the extent of the respective fronts, sufficient to make the sidewalk ordered to be made or petitioned for, (1) which shall be applied to that purpose and no other; provided, that the city council may permit any owner of the property fronting on the proposed sidewalk to construct the same under the directions of the city engineer or street commissioner in strict conformity in all respects with the remainder of the sidewalks on such avenue, street or block.

Sec. 8. The general and special taxes levied by the city on property in conformity with the powers granted by this charter shall constitute a lien on the property against which they are levied, until paid, and the city council shall have power to cause real estate to be sold for delinquent taxes in such manner as they may provide by ordinance; and to provide for the redemption thereof in such manner as shall not be inconsistent with the laws of this State and may in the same manner give power to the city collector to levy upon and sell any personal property, delinquent for taxes, or to bring suit in the name of the city against any person delinquent in payment of taxes, in any court of competent jurisdiction, which court shall render judgment therefor, at the return term thereof, unless such delinquent shall file an affidavit that said taxes have been paid, or were levied in error, in which case the court may grant a continuance until the next term thereof, but no longer, and upon award of judgment against said delinquent for the amount of taxes, with all interest, penalties and charges, as may be prescribed by ordinance, together with the costs of the proceedings, special execution shall issue

against the delinquent property, which shall be enforced as in other civil cases under the laws of this State.

Sec. 9. The city council shall have power to cause to be made or executed by the city collector, a deed or deeds, for lots or lands when the same shall have been sold under the ordinances of the city, for non-payment of taxes due the city; and such deeds, when executed, shall be received in like manner, and shall have the same force and effect as State tax deeds by the general laws of the State.

Sec. 10. The city treasurer shall be the sole custodian of all funds belonging to the city of Chillicothe, from whatsoever source derived and shall disburse the same only upon the proper warrant of the city auditor, countersigned by the city clerk, except for the redemption of the bonds or interest coupons of said city as the same shall from time to time mature, and said city treasurer shall upon payment of any such bonds or coupons immediately cancel the same and said treasurer shall at the end of each quarter surrender to the city auditor all bonds or coupons so retired by him during each quarter, and the city auditor shall issue to the treasurer a warrant for the amount of the same, which said bonds and coupons having been compared by the auditor with the register of bonds issued and duly marked "cancelled" thereon, shall by said auditor be filed in his office until the close of the fiscal year; when, upon the settlement of said auditor's accounts with the city, said bonds and coupons shall be burned in the presence of the city council, or a committee thereof, and the clerk of said council shall certify under the seal of the city, the numbers and amounts of said bonds and coupons so burned, and for what purpose issued, which certificate shall be filed by the auditor in his office.

Sec. 11. No warrant shall be drawn by the city auditor, or be paid by the city treasurer, unless the money has been previously appropriated by order of the city council; provided, that the auditor may draw his warrant on the treasurer for the refunding of money to any purchaser or purchasers at any city tax sales, where the property so purchased may have been redeemed by the owner thereof subsequent to such sale, in which case the certificate of purchase to be surrendered to the auditor by such purchaser or purchasers, shall be a sufficient voucher to the auditor for the issue of his warrant upon the treasurer for the amount due them.

Sec. 12. The city council shall not make any appropri-

tion for any purpose whatsoever exceeding one thousand dollars in excess of the income received and appropriated at the time any such appropriation is made.

Sec. 13. The city council shall have no power to appropriate money for other purposes than are provided for in this charter, without first submitting such appropriation to a vote of the qualified voters of said city and a majority thereof shall have approved of such appropriation; nor shall the city auditor draw his warrant for, nor the treasurer pay the amount of, or any portion of, such appropriation, without the approval of the majority of the qualified voters of such appropriation as herein provided.

Sec. 14. The city auditor and treasurer shall have free access to each other's offices for the inspection of all books, accounts and papers which may concern any of their duties, and if the said city auditor shall knowingly issue any warrant upon the city treasurer, not authorized by law, or if said city treasurer shall willfully and unlawfully refuse to pay any warrant lawfully drawn upon him, or if either of said officers shall willfully neglect or refuse to perform any duty enjoined on them by law, or shall willfully do any act not authorized by law, or in any other manner not required by law, they shall be deemed guilty of a misdemeanor, and, upon conviction shall forfeit to the city any sum not exceeding five hundred (500) dollars, and be imprisoned in the county jail of Livingston county for any length of time not exceeding one year.

Sec. 15. The city council shall, by ordinance, as soon as practicable after the passage of this act, provide for an appeal from the decision of the auditor to the city council by any person interested in the decision of any claim or account against the city, and also the issuing of duplicate bonds, coupons and warrants, in lieu of those which may be proved to have been destroyed or lost, under such conditions and restrictions as the interest of the city shall require, and also prohibiting the city auditor and treasurer or their clerks or employes, or any other city officer from dealing in the bonds, coupons, warrants or other evidences of city indebtedness, at less than their par value; and the city council shall have power to pass such other ordinances for the collecting, safe keeping and disbursing the revenue of said city, as they may deem necessary and proper, and not inconsistent with the provisions of this charter, or of the constitution and laws of this State.

Sec. 16. All persons other than the city treasurer,

charged with the collection of moneys under the ordinances of the city, shall promptly pay the same over to the city treasurer, under such penalties for default thereof as the ordinances of said city shall prescribe; for which money the said treasurer shall issue duplicate receipts, and the person receiving the same shall forthwith deposit one of them with the city auditor, who shall credit the person accordingly and charge the treasurer with the amount; and the city council, by ordinance, shall provide for keeping of all books, accounts and registers by said auditor and treasurer as shall be necessary to the exhibiting of the financial affairs of said city in a plain clear and comprehensive manner, which books, accounts and registers shall at all times be open to the inspection of the city officers, city council, or any committee thereof, or any citizen of said city, during the usual hours for business in the offices where the same shall be kept.

Sec. 17. All city improvements of whatever kind or character, including the erection of all public buildings made or to be erected at the expense of said city, shall be let by contract to the lowest responsible bidder; and, previous to the execution of any such contract for the making of improvements or the erection of buildings, the city auditor shall advertise in at least one paper published in said city for sealed proposals for the doing of the required work, the first insertion of which advertisement shall be at least twenty days prior to the day specified for the opening of such bids, upon which day the said auditor in conjunction with the city treasurer and engineer, shall examine all the proposals received, and if all such propositions are not deemed too high for the proposed work, the contract shall be awarded as herein specified, and upon the approval of such award by the city council, the mayor shall execute in behalf of said city contracts in triplicate with the the successful bidder or bidders, each of which shall be countersigned by the city clerk under his official seal; and one copy thereof shall be filed with the city auditor, one shall be delivered to the city engineer or other officer in charge of the work to be constructed, and the third to the contractor; provided, that nothing in this section shall be so construed as to prevent the repairs by day's work of streets, sewers, culverts, buildings or other city property, so far as may be necessary to their preservation, under the direction of the city engineer or other proper officer, when such repairs shall have been ordered to be made by a vote of the city council.

Sec. 18. The city council may, under the general power to borrow money on the credit of the city [as is provided for in Sec. two (2), Article four (IV)], provide by ordinance for borrowing money or issuing the bonds of the city for the following objects:

First, In payment of any subscription by said city to the stock of any railroad which may terminate in or pass through said city, or in aid of the construction thereof.

Second, To grade, pave, macadamize or otherwise improve any public street or avenue in said city, where such improvement is not made upon the petition of a majority of the property holders fronting on said streets or avenues or where the charging of such work or improvement against such property would from its magnitude be extraordinarily burdensome on the owners thereof, and such would be for the general benefit of the entire city.

Third, To construct public sewers.

Fourth, To purchase grounds upon which to erect the buildings and reservoirs necessary for lighting said city with gas, and for supplying its inhabitants with water; and to complete and put in operation such gas and water works, with all the mains, pipes, levels, hydrants or other apparatus, machinery and fixtures in anywise appertaining thereto.

Fifth, For the erection of all public buildings of whatever character or description necessary to the use of said city; provided, however, that every ordinance for borrowing money shall specify the sum to be borrowed, and the object to which the same is to be applied, and that it shall have been passed by a vote of the majority of the city council, and after due publication in the several newspapers published in said city, it shall have been submitted to a vote of the qualified voters thereof, and approved by the two-thirds of the votes cast at any general or special election held in said city, before such ordinance shall be in force and effect; and provided, however, that the mayor and city council, shall have the power without submitting the same to a vote of the people, to issue bonds with interest not exceeding 10 per cent, per annum, and not exceeding ten thousand dollars in amount, for the purpose of completing the city hall and market house building already commenced and in course of construction; provided further, that until and after said city shall contain, by actual enumeration, a population of six thousand inhabitants, the public debt, including the floating debt, of said city of Chillicothe,

shall not exceed the sum of one hundred and twenty-five thousand dollars, and all bonds, subscriptions, and other evidences of indebtedness issued or made by said city in excess of said sum shall be absolutely null and void. Whenever a proposition to borrow money shall be passed and approved as hereinbefore provided, the bonds may be issued in pursuance of ordinance, in proper form, with the necessary coupons attached, having not more than thirty years to run, and in denominations of not less than five dollars each, and bearing such rates of interest not exceeding ten per cent, per annum, and payable at such place as the ordinance authorizing such issue may prescribe; said bonds shall be signed by the mayor and attested by the city clerk, under his official seal, who shall deliver the same to the city auditor, who shall countersign said bonds, register the same in proper books, to be kept for that purpose, sign the interest coupons attached thereto and deliver the same to the city treasurer, or other person or persons authorized by ordinance to receive them, and take his or their receipts for the same.

Sec. 19. The city shall not at any time become a subscriber for any stock in any corporation unless the proposition to subscribe such stock shall have been passed and approved in like manner as is herein provided for propositions to borrow money.

Sec. 20. The city council shall provide by ordinance for a settlement of the accounts of the auditor and treasurer, or other city officers charged with the collection of city funds, at the close of each fiscal year, and shall publish in a paper published in said city of Chillicothe, a statement of receipts and expenditures of every description for the last fiscal year, including all moneys that have passed through the hands of the auditor and treasurer for any purpose whatsoever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the city council, the object of such appropriations and the sum expended under each, also a statement of all money borrowed upon the credit of the city, whether by temporary loans or otherwise, the terms of such loans, by what authority made, how applied, how much of the same or other city indebtedness remains unpaid, together with the auditor's estimates for the next fiscal year, and such other special information as will give the people of said city a concise and plain statement of the condition of its financial affairs.

Sec. 21. The city council shall by ordinance prescribe the amount of bonds to be required from each and every officer elected or appointed under this act, and the number of sureties to be required for each, which said bonds, when approved by the mayor, shall be filed with the city clerk.

ARTICLE VI.

OF OPENING AND IMPROVING AVENUES, STREETS AND ALLEYS, AND OF THE CLASSES AND CONSTRUCTION OF SEWERS.

SECTION

1. Taking of Private Property for Public Use.
2. Notice and Publication in Case of Absent Owners.
3. Damages How Assessed.
4. Inquest May be Set Aside, When.
5. Payment of Damages Stayed, When.
6. City Recorder May Compromise With Owners, how.
7. Judgments Against City, Effect of.
8. Appeals, Where Taken and Effects of.
9. Grades of Streets to be Established, and Profiles Thereof Prepared.
10. Classification of Sewers.
11. Definition of Various Kinds of Sewers.
12. Public Sewers to be Constructed, and Costs Thereof paid, How.
13. Mode of Construction, and Payment of Cost of District and Private Sewers.

Section 1. Whenever the city council shall provide by ordinance for establishing, opening, widening or altering any street, avenue or alley, or public ground or square, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owners thereof, just compensation shall be made therefor to the persons whose property is so taken, which the city recorder shall cause to be ascertained by a jury of six disinterested freeholders of the city, the particulars of which proceeding shall be prescribed by ordinance.

Sec. 2. The city recorder shall appoint a day for impaneling a jury and ascertaining the damages, at least six days' notice of which shall be given to the person whose property is proposed to be taken, and if any of the owners thereof are unknown or cannot be found by the city marshal, or are absent from the city (and the return of the marshal shall be conclusive as to the facts therein stated) publication thereof shall be made in a newspaper for at least three weeks before the day appointed, notifying all owners and others interested in the property proposed to be taken, that on the day therein named the city recorder will cause the property therein described to be condemned for public use, as an alley, street,

avenue, public ground or square, as the case may be, and damages to be assessed therefor, as herein provided, and such notice by publication as aforesaid shall be binding on all persons whomsoever having any interest in any property that may be charged by the verdict of the jury, and with the payment of any portion of the damages in consideration of the benefits to be derived by them.

Sec. 3. It shall be the duty of the jury:

First, To ascertain the actual value of the land proposed to be taken for the opening, widening, establishing or altering of any street, avenue, alley or public square, without reference to the proposed improvement, then for the payment of such sum to assess against the owner of the property taken for opening, widening, altering or establishing of any street, avenue, lane, alley or public square, the benefit or benefits accruing to the remainder of his property on such lane, alley, street, avenue or public square, according to the value of the property so assessed, and in proportion as such property may be benefited by the proposed improvement, and the sum so assessed by the jury against the owner or owners of such property shall be a lien on said property until paid; then the jury shall assess the remainder of the damages ascertained and the benefits accruing to the public generally against the city.

Sec. 4. The city recorder shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, to set the same aside and cause a new inquest to be made.

Sec. 5. If the verdict of the jury be not set aside by the city recorder, it shall be his duty, within ten days, to report the same to the city council, and if not confirmed by the council within ten days after being reported to them by the city recorder, all the proceedings shall be void; if the title to any property proposed to be condemned be in controversy, nothing shall be paid therefor until the right to the money ascertained by the verdict of the jury is determined by a court of competent jurisdiction in a suit between the parties respectively claiming the same, none of the costs of which litigation shall be borne by the city unless the city be one of the claimants, and during such controversy the money shall remain in the treasury.

Sec. 6. Whenever one or more of the owners of property of which it may be necessary to take for public use in the

opening of any street, avenue, alley or square, shall propose to relinquish such property without claim of damages, on condition of exemption from payment of benefits for further opening of such improvements, or upon other conditions, the city recorder shall be authorized to compromise or agree with such persons, and to remit, abate or exempt them from payment of the damages in consideration of the payment of benefits, wholly or partly, as equity may seem to require, and for the assessment of benefits and damages to other property on the same street, alley, lane, avenue or public square, shall proceed as in other cases.

Sec. 7. Judgments against the city on account of damages to private property in case of opening, altering, widening or changing alleys, lanes, streets, avenues or public squares, shall not be considered as ordinary judgments, but such judgments shall be held in abeyance, and the city shall not take possession of the grounds condemned until such judgments shall be confirmed and appropriations made to pay the same out of the general revenue.

Sec. 8. Either party may appeal to the circuit court from the judgment of the recorder's court within ten days after the rendition of said judgment, in the same manner as appeals are taken from the justices' courts; such appeals shall not stay the work of establishing, opening, widening or altering any avenue, street, alley or public square, but such ground may be taken possession of by the city upon tender to the owner or owners of the same of the amount assessed by the jury as damages in the recorder's court.

Sec. 9. The city council shall as soon as practicable, after the passage of this act, provide for the establishment by the city or other engineer, of the grades and curbstone lines of each and every avenue or street within the limits of said city, and shall also require said engineer to prepare perfect profiles of said streets, exhibiting the grades at the crossings thereof, and the elevation of all grade points, which said profiles when complete, and the graduation and lines established in accordance herewith, shall be approved by ordinance; and the city or other engineer shall immediately thereafter prepare a corrected diagram of all such streets, exhibiting the graduation and lines thereof, which diagram shall be securely framed and be kept suspended in the office of the city clerk for public examination, and after such graduation shall have been established and approved, no change in the

grade of any avenue or street shall be made except by an ordinance passed by the city council, all the members thereof concurring, and after due notice by publication in at least one of the newspapers published in said city of the pendency of such ordinance before the city council; and in case any such change of grade shall be made, all damages sustained by any person by reason of such change shall be paid by the city; and in the event of a failure on the part of the mayor or person damaged to determine the amount of such damages, the same shall be ascertained by the same proceeding provided for on condemning private property for public use.

Sec. 10. A general sewer system shall be established by ordinance, and shall comprise three classes of sewers, namely: Public, district and private sewers.

Sec. 11. All sewers draining streets, alleys or public grounds, or parts of district or private sewers, crossing avenues, streets or public grounds shall be classed as public sewers. All sewers rendered necessary by natural water courses, or for sanitary precautions, or other local causes, appertaining to any district or portion of said city, and the location of said sewers not being in any street, alley or public grounds, shall be classed as district sewers; and all sewers constructed by individuals for their sole and individual benefit, for the purpose of draining private premises, or by the direction of the city council as a sanitary measure, shall be classed as private sewers.

Sec. 12. Public sewers shall be constructed along the principal courses of drainage at such times and to such extent, of such dimensions and under such regulations as may be provided by ordinance; and there may be extensions or branches of sewers already constructed or entirely new throughout, as the case may require, and the cost of construction thereof, together with the cleaning, improving or repairing of the same, as shall by the city council be deemed necessary, shall be paid from the general fund of said city.

Sec. 13. District sewers shall be constructed within the limits of districts to be prescribed by ordinance, connecting with the public sewers or other district sewers, or with any natural course of drainage, as the case may require. But such district may be subdivided, enlarged, or changed by ordinance at any time previous to the construction of any sewer therein. The city council shall cause sewers to be constructed in each sewer district whenever a majority of the property

holders resident within a district shall petition therefor, or whenever the city council may deem said sewers necessary for sanitary or other purposes. Such sewers shall be made of such dimensions as may be prescribed by ordinance, and may be changed, enlarged or extended, and shall have all necessary laterals, inlets and other appurtenances which may be required whenever the city council shall by ordinance direct the construction of any district sewer as hereinbefore provided. The city engineer, commissioner of sewers, or other officer in charge of the work, shall upon the execution of a contract with any party or parties for the construction of such sewer, assess the cost of the work, as determined by said contract, as a special tax against the lots of ground situated within the limits of said district, exclusive of improvements, in proportion to the area of the whole district, not excluding highways, which assessment rolls, when completed, shall be delivered to the auditor, who shall extend the tax thereon, and place the same in hands of the treasurer for collection, as in the case of other taxes, and the amount so raised shall constitute a special fund, applicable solely to the construction of such district sewers, and such assessment shall, when made constitute a lien on each lot upon which it shall be made, and in case of default in payment of such taxes by any lot owner, the same may be collected in like manner as is provided for other delinquent taxes, and whenever said city of Chillicothe shall own any lot or lots within the limits of any district where such sewer shall be constructed, the tax levied against such property shall be paid from the general fund. Private sewers may be connected with public or district sewers under the direction of the city engineer. Sewers shall not run diagonally through private property when it is practicable to construct them parallel to its front lines; and a public sewer shall not be constructed through private property when it is practicable to construct it in an adjacent street. Whenever district sewers have been already constructed, the city council shall have power to assess a special tax against the property in such district in like manner as is provided in case of construction of new district sewers, and the sum realized from such tax shall be applied in payment of any debt contracted by the city for the construction of said sewer, together with the interest thereon, or if said district sewer was constructed at the expense of the general fund, then said amount so raised by special tax shall be returned to the credit of said general fund. All sums of money necessary for

the cleaning, repairing, and other incidental expenses of district sewers shall be paid out of the general appropriation for that purpose; and at the end of each fiscal year, the auditor shall report to the city council the amounts paid on account of each district separately, and the amount so charged to each sewer district, in proportion to assessed value of property, shall be assessed as a special district sewer tax, and the amount thereof charged to and collected from the lot owners in such districts respectively as an item in the general tax bills of the next fiscal year following the expenditures.

ARTICLE VII.

SECTION

PUBLIC HEALTH.

1. Health Officer to be Appointed, His Qualifications and Duties.
2. Board of Health to be Established, Qualifications of its Members.
3. Appointment of Term of Service of the Members Thereof.
4. General Duties of Said Board.
5. Appointing Power Thereof.
6. Its Meetings.
7. Sanitary Inspectors to Be Appointed by It.
8. Power of the Board to Cleanse and Purify Buildings, etc., and to Enforce Its Orders.
9. Its Power to Abate Nuisances; Costs Thereof, How Paid.
10. Further Powers of Board to Enforce Sanitary Measures.
11. Private Buildings May Be Occupied as Hospitals, When.
12. Power of Board to Order Certain Trades and Professions to Be Discontinued.
13. Penalty for Refusing to Obey Lawful Orders of Board.
14. Such Fines, How Collected.
15. Reports to Be Made by Practicing Physicians at Request of Board.
16. Penalty for Failure to Comply.
17. Salary of Members of the Board, How Paid.
18. Powers of the City Council Further to Define Duties of Board.
19. Civil Officers and Citizens Required to Aid the Board in Performance of Their Duties.

Section 1. The city council shall appoint a health officer, whose term of service shall be one year; he shall be a physician, and possessed of other necessary qualifications of a member of the board of health as hereinafter provided, and shall have general supervision of the city hospitals and dispensaries, and perform such duties as the city council shall prescribe.

Sec. 2. The city council shall establish a board of health, which board shall consist of three members, who shall be physicians and graduates of regular medical schools, and shall have been at the time of their appointment, resident and practicing physicians in the city for at least one year immediately preceding such appointment.

Sec. 3. The members of the board of health shall be appointed by the city council, and the health officer shall be a member of said board and president thereof. Immediately after their appointment said board shall proceed to elect a clerk (not one of its members), who shall be a fit and competent person to perform the duties of clerk of the board, and who shall likewise be a graduate physician of some medical school. Vacancies occurring in the board by expiration of the time of service, resignation or otherwise, shall be filled by the appointment of the city council.

Sec. 4. The board of health is charged with a general supervision over the public health of the city, and to see that its rules and regulations and the laws and ordinances of the city, in relation thereto, are enforced and observed.

Sec. 5. Said board shall, when it deems necessary, appoint resident physicians for the city hospitals, for the quarantine, and select all other officers for said board, as well as for the city hospitals, fix the compensation for such person, and select a suitable place for the meeting of the board.

Sec. 6. The board of health shall meet at least twice a month, between the first day of April and the first day of November of each year, and oftener if necessity requires, and during the remainder of the year when called by the president.

Sec. 7. The said board of health shall have power to appoint one or more sanitary inspectors at such times as it shall deem proper, who shall have authority to enter into and examine in the daytime all buildings, lots, and places of every description, within the city, and to ascertain and report to the board the condition thereof, so far as the public health may be affected thereby.

Sec. 8. The board of health shall give all such directions and adopt all such measures for cleansing and purifying such buildings, lots and other places, and to do or cause to be done everything in relation thereto which in its opinion shall be deemed necessary. Every person who shall disobey any order of the board of health which shall have been personally served upon him to abate or remove any nuisance in the manner at the time prescribed in the order, shall, on complaint of the board of health, or any person serving such order, before the city recorder, be liable to arrest and punishment for each offence by a fine not exceeding five hundred (500) dollars, or imprisonment not exceeding thirty (30) days, or both such fine and imprisonment.

Sec. 9. It shall be lawful for the board of health, in all cases when it may be deemed necessary for the more speedy execution of its orders, to cause any such nuisance or nuisances to be abated or removed at the expense of the city, and to cause any such nuisance or nuisances which may exist upon the property of non-resident owners, or where the owners of such property cannot be found, or are unknown and cannot be ascertained, to cause any such nuisances to be abated or removed in like manner at the expense of the city, and the sum or sums so expended in the abatement or removal of such nuisances in such cases with lawful interest thereon, shall be an incumbrance, as any tax upon real estate, upon the lots or premises from or upon which said nuisance or nuisances shall be abated or removed, and payment thereof may be enforced in like manner as other taxes upon real estate authorized to be levied by the city.

Sec. 10. It shall be the duty of the board of health to cause any avenue, street or alley, or other passage whatever to be fenced up or otherwise enclosed, if it thinks that the public safety requires it and to adopt suitable measures to prevent all persons from going to any part of the city so enclosed, except by authority; by resolution, to direct any bedding, clothing, putrid or unsound beef, pork, fish, hides or skins of any kind, or other articles found within the city, and which in its opinion shall be dangerous to the inhabitants thereof, to be destroyed in such manner as it may direct; and it may employ such persons as it may deem proper, to remove or destroy such articles; and any person who shall in any manner resist or hinder any person so employed, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred (100) dollars or imprisonment not exceeding thirty days, or both, and all such fines, when collected, shall be paid into the city treasury; to procure suitable places for the reception of persons sick of pestilential, infectious or contagious diseases, and in all cases, when sick persons cannot otherwise be provided for, to procure for them medicine, medical and other proper attendance and provisions, to forbid and prevent all communication with the house or family infected with any contagious, infectious or pestilential diseases, except by means of physicians, nurses and messengers, to carry the necessary advice, medicines and provisions to the afflicted; to publish from time to time all such regulations as it shall make, in

such manner as to secure early and full publicity thereto.

Sec. 11. The board of health during the prevalence of Asiatic cholera, or any epidemic disease, when by it deemed necessary, shall have power to take possession of and occupy for temporary hospitals, any suitable building or buildings in the city; but the city of Chillicothe shall pay for private property, so taken, a just compensation for the same.

Sec. 12. It shall be the duty of the board of health, on complaint being made to it, or whenever it shall deem any business, trade or profession carried on by any person or persons or corporations within the sanitary jurisdiction of the city, detrimental to the public health, to notify such person or persons or corporations, to show cause before the board of health at a time and place to be specified in such notice, why the same should not be discontinued or removed, which notice shall be a notice of not less than three days; except in cases of epidemic and pestilence, the board of health may, by a general order, direct a shorter time, not less than twenty-four (24) hours, and it may be served by leaving same at place of business or residence of the parties to be affected thereby. Cause may be shown by affidavit, and if in the opinion of the board of health no good and sufficient cause be shown, why the same should not be discontinued, or removed, the board shall order the said parties to discontinue or remove the same within such time as the board may deem reasonable or necessary, and the order of the board shall be final and conclusive therein.

Sec. 13. Any person failing or refusing to obey such lawful order of said board of health, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred (100) dollars, or by imprisonment not more than thirty (30) days, or by both such fine and imprisonment; and such person or persons shall be subject to like punishment for each and every day he, she or they shall continue such business, trade or profession after the time specified in the order of the board of health for the removal of the same.

Sec. 14. Such fines, as mentioned in the preceding section, shall be collected as other fines, and when so collected shall be paid into the city treasury.

Sec. 15. It shall be the duty of each and every practicing physician in the city of Chillicothe:

First, Whenever required by the board of health, to

report to such board at such time and in such form as it may prescribe, the number of persons attacked with any pestilential, contagious or infectious diseases attended by such physician for the twenty-four hours next preceding and the number of persons attended by such physician who shall have died within twenty-four hours next preceding such report, of any such pestilential, contagious or infectious disease.

Second, To report in writing to said board of health every patient who shall have been laboring under any pestilential or infectious diseases within twenty-four hours after he shall ascertain or suspect the nature of such disease.

Third, To report to the board of health, when by it required, the death of any patient who shall have died of any disease within twenty-four hours from the time of such death, and to state in such report the specific nature and type of such disease.

Sec. 16. Any practicing physician who shall neglect or refuse to perform the duties required of him, by or in any of the foregoing sections, shall be considered guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred (100) dollars for each offence, to be collected and paid into the city treasury as other fines.

Sec. 17. The members of the board shall each receive such a salary for their services as the city council shall from time to time determine, and the city council shall, in making their annual appropriations for the expenses of the city government, estimate and appropriate such sums as may be necessary for the payment of the salaries and compensation of the members of the board, and of such other medical officers, and all other servants and employes as they are herein authorized to appoint and employ, and all other necessary expenses incurred by the board in the performance of their duties herein prescribed, and which expenses shall be audited and allowed and paid as other expenses of the city government.

Sec. 18. The city council shall have power to further define the duties of the board of health, and to pass such ordinances in aid of the power of the board of health as may tend to promote and secure the general health of the inhabitants of the city.

Sec. 19. It shall be the duty of all magistrates and civil officers, and of all citizens, to aid, to the utmost of their power, the board of health in the performance of their duties, as herein prescribed.

ARTICLE VIII.

FIRE DEPARTMENT.

SECTION

1. Powers of the City Council for Purpose of Guarding Against Fires.
2. Further Powers of Council for Prevention of Fires.
3. Fire Department; Its Organization and Control.
4. Firemen Exempt From Poll Tax and Jury Duty.

Section 1. The city council, for the purpose of guarding against the calamities of fire, shall prohibit the erection, placing or repairing of wooden buildings, within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire proof materials, and to prohibit building or repairing wooden buildings within the fire limits when the same shall have been damaged to the extent of 30 per cent, of the value thereof, and to prescribe the manner of ascertaining such damages; to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or renovated, in such manner as they shall prescribe or direct; to declare all wooden buildings, lumber yards, wood and coal yards, manufactories or shops within the fire limits, which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require or cause the same to be removed or abated in such manner as they shall prescribe.

Sec. 2. The city council shall have power:

First, To prevent and prohibit the dangerous construction of chimneys, flues, fire places, stovepipes, ovens and other apparatus used in or about any building or manufactory, and cause the same to be removed or placed in a safe and secure condition when considered dangerous.

Second, To prevent the eposit of ashes in unsafe places, and to appoint one or more officers to enter into buildings and enclosures, to examine whether the same are in a dangerous state, and to cause such as may be dangerous to be put in a safe condition.

Third, To regulate and prevent the carrying on of manufactories, and shops, and works, dangerous in promoting or causing fires.

Fourth, To regulate, prevent and prohibit the use of fire-works and fire-arms.

Fifth, To direct and prohibit the management of houses for the storage of gunpowder and other dangerous and com-

bustible materials within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables, and other like houses.

Sixth, To regulate and prescribe the manner and order of the building of parapets and partition walls and partition fences.

Seventh, To compel the owners or occupants of houses or other buildings to have scuttles on the roofs, and stairs or ladders leading to the same.

Eighth, To authorize the mayor or other officers of said city to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed thereat, and in preventing goods from being stolen.

Ninth, And generally to establish such regulations for the prevention and extinguishment of fires, as the city council may deem expedient.

Sec. 3. The city council may procure steam fire engines and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same, and shall have power:

First, To organize hook, hose, ax and ladder companies.

Second, To appoint and pay during their pleasure a competent number of all able and reputable inhabitants of the city as firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Third, To prescribe the duties of firemen, to make rules and regulations for their government, and to impose reasonable penalties upon them for violation of the same; and for incapacity, neglect of duty or misconduct, to remove them.

Fourth, The city council shall have power to appoint a chief and assistant engineer of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for extinguishment of fires, and their powers and duties shall be prescribed by the city council.

Sec. 4. The firemen, during their services as such shall be exempt from paying any poll tax, or serving on juries. The name of each fireman shall be registered with the city clerk, and the evidence to entitle him to exemption provided

in this section, shall be the certificate of the clerk under the corporate seal, for the year for which the exemption is claimed.

ARTICLE IX.

MISCELLANEOUS PROVISIONS.

SECTION

1. City Ordinances to Relate to But One Subject.
2. Style of Such Ordinances.
3. Penal Ordinances to Be Published; Ordinance to Take Effect, When.
4. Revised Ordinances to Be Published, When; Annual Publication of Ordinances.
5. Ordinances, How Pleaded.
6. Ordinances, etc., Not Conflicting With This Act, to Remain in Force.
7. Actions to Recover Penalties Under This Act, to Be Brought, How.
8. Process to Be by Summons, When.
9. Warrants to Issue, When.
10. Power of Officers to Commit and Retain Persons in Custody.
11. Act Not to Be Retrospective in Its Effect.
12. No Person Incompetent as Juror, etc.
13. Act Declared to Be a Public Act.
14. May Be Altered or Repealed, by Whom.
15. Act to Be Promulgated, by Whom.
16. Other Acts of Incorporation Repealed.
17. Act to Take Effect, When.

Section 1. The style of all ordinances shall be: "Be it, Ordained by the Mayor and City Council of the City of Chilli-
cothe," but may be entitled when the ordinances are published in book or pamphlet form, as herein prescribed.

Sec. 2. Every ordinance imposing any fine, penalty or imprisonment, or forfeiture, for violation of its provisions, shall, after the passage thereof, be published in the official newspaper of said city, and proof of such publication, by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the city clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication, and promulgation of such ordinance in all courts and places. Ordinances passed by city council and requiring publication, shall be in force from and after the due publication thereof, unless it be otherwise provided. Ordinances not requiring publication shall take effect and be in force from and after their passage, unless it shall be therein otherwise expressly provided.

Sec. 3. The ordinances of said city, as revised under this charter, which are of general character, shall be published within six months after the passage of this act, and it

shall be the duty of the city council to cause to be printed in pamphlet form for distribution at the end of each municipal year all the ordinances passed during the said year and then in force.

Sec. 4. In pleading any ordinance of said city, or a right derived therefrom, it shall be sufficient to refer to such ordinance by its title and the day of its passage.

Sec. 5. All ordinances, regulations and resolutions now in force, and not inconsistent with the provisions of this act, shall remain and be in force until altered, modified or repealed by the city council.

Sec. 6. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulations made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act or the by-laws or ordinances under which this penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Sec. 7. In all prosecutions for any violation of any ordinance, by-law or other regulation of such city, the first process shall be by summons, unless oath or affirmation be made for a warrant, as herein provided.

Sec. 8. A warrant shall issue in all cases in favor of the City of Chillicothe, for a violation of any ordinance, by-laws or other regulation, when any person shall make an oath or affirmation that such a violation has been committed, or upon information by the city attorney, marshal or constable.

Sec. 9. The mayor, councilmen, marshal or his deputies, and all public officers shall be conservators of the peace, and all officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city, commit for examination, and if necessary, detain such persons over night of the Sabbath, in the city prison or any other safe place, or until they can be brought before the city recorder, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe.

Sec. 10. This act shall not invalidate any legal act done by the city council or by its officers, nor divest their successors under this act of any right or property or otherwise, or lia-

bility which may have accrued to or been created by said corporation prior to the passage of this act, and all rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued from the several acts heretofore in force, shall be vested in and prosecuted or defended by the said corporation.

Sec. 11. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being and inhabitant or freeholder in the city of Chillicothe, in any action or proceeding in which the said city shall be a party in interest.

Sec. 12. This act is hereby declared to be a public act, and may be read in evidence, in all courts of law and equity in this State, without further proof, when specially pleaded.

Sec. 13. The General Assembly may at any time alter, amend or repeal this charter.

Sec. 14. The mayor and city council of said city of Chillicothe, shall, immediately after the passage of this act, promulgate the same within the limits of said city, in such manner as in their discretion they shall think proper.

Sec. 15. All other acts or parts of acts, heretofore passed, inconsistent with this act, incorporating said city of Chillicothe, are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved 26th February, 1869.

J. W. McCLURG.

AMENDMENTS TO CITY CHARTER.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF CHILLICOTHE, APPROVED MARCH 1ST, 1855, AND THE ACTS AMENDATORY THERETO.

1. Annual Election, When Held and How Governed, Notice to Be Given.
2. Qualification of Voters in City and Wards.
3. The Council to Have Exclusive Power to License, Tax and Regulate Dram Shops and Tippling Houses, Ten Pin Alleys and Billiard Tables.
4. The City Recorder, by Virtue of His Office, Shall Be City Clerk.
5. The City Marshal, by Virtue of His Office, Shall Be Street Commissioner.
6. The City Treasurer, by Virtue of His Office Shall Be Collector of Taxes and Revenue.
7. All Acts Inconsistent With This Act Repealed.
8. This Act to Take Effect From and After Passage.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Section 21 of Article II of said act is hereby

and the same is amended to read as follows: Section 21. There shall be an annual election held in said city on the first Monday in May in each year, for the purpose of electing a mayor, a councilman from each ward, a councilman at large, and a city marshal; which said election shall be governed in all respects, as far as practicable, by the general election laws of this State; and the city council may establish by ordinance as many election districts and places of voting at said election as they may deem necessary; they shall appoint the judges and clerks of said election; they shall also give at least fourteen days' notice of any election by publication in some newspapers published in said city.

Sec. 2. Section 26 of Article II of said act is hereby amended to read as follows: Section 26. No person shall be entitled to vote at any election under this act who is not entitled to vote at State elections; he shall moreover have been an actual resident of the city for sixty days, and of the ward for which he votes thirty days. *Provided*, That the voter shall be deemed a resident of the ward in which he has lodged for thirty days next preceding the election at which he votes.

Sec. 3. The city council shall have sole and exclusive power to license, tax, and regulate dram shops and tippling houses, ten-pin alleys and billiard tables, within the corporate limits of the city.

Sec. 4. That hereafter the city recorder shall be, by virtue of his office, city clerk, and shall have and possess all the powers granted by the city charter and the ordinances made in pursuance thereof to the city clerk, and shall be liable to all the duties and obligations thereby imposed.

Sec. 5. That hereafter the city marshal shall, by virtue of his office, be street commissioner, and shall have and possess all the powers granted by the city charter and the ordinances made in pursuance thereof to the street commissioner, and shall be liable to all the duties and obligations thereby imposed.

Sec. 6. That hereafter the city treasurer shall, by virtue of his office, be collector of taxes and revenue within the city; shall have and possess all the powers granted by this charter and the ordinances made in pursuance thereof, for the regulation and control of the collector of the taxes and revenue, and shall be liable to all the duties and obligations thereby imposed.

Sec. 7. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Sec. 8. This act to take effect and be in force from and after its passage.

Approved March 17th, 1873.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF CHILLICOTHE, APPROVED MARCH 1ST, 1855, AND THE ACTS AMENDATORY THERETO.

1. Election of City Officers to Be Held, When.
2. City Marshal, His Appointment.
3. Inconsistent Acts Repealed.
4. Act to Take Effect, When.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Section 1 of the amendatory act approved March 17, 1873, be and the same is hereby amended to read as follows: Section 1. There shall be an election held annually in said city on the first Monday in May in each year, for the purpose of electing a mayor, a councilman from each ward, and a councilman-at-large, which said election shall be governed in all respects, as far as practicable, by the general election law of this State; and the city council may establish by ordinance as many election districts and places of voting at said election as they may deem necessary; they shall appoint the judges and clerks of the election; they shall give at least fourteen days' notice of any election, by publication in some newspaper published in said county.

Sec. 2. There shall be a city marshal, who shall be appointed by the mayor and city council, who shall hold his office one year, and until his successor shall be duly appointed and qualified, unless sooner removed by a majority vote of the city council, which may be done at any time in the discretion of the council.

Sec. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 4. This act to take effect and be in force from and after the 7th day of May, A. D. 1874.

Approved March 30, 1874.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REPEAL SECTION 6263, CHAPTER, 91, REVISED STATUTES OF MISSOURI, 1899, AND ENACTING A NEW SECTION IN LIEU THEREOF, PROVIDING FOR THE ELECTION OF CERTAIN OFFICERS AND FIXING THEIR TENURE OF OFFICE IN CITIES AND TOWNS UNDER SPECIAL CHARTERS AND HAVING THREE THOUSAND INHABITANTS OR NOT MORE THAN TEN THOUSAND INHABITANTS, AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT THEREWITH, WITH AN

EMERGENCY CLAUSE," APPROVED MARCH 11, 1901, WITH AN EMERGENCY CLAUSE.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Section 1 of an act entitled "An act to repeal Section 6263, Chapter 91, Revised Statutes of Missouri, 1899, and enacting a new section in lieu thereof, providing for the election of certain officers and fixing their tenure of office in cities and towns under special charter, and having three thousand inhabitants or not more than ten thousand inhabitants and repealing all acts or parts of acts in conflict therewith, with an emergency clause, "Approved March 11, 1901, is hereby amended by adding after the word "mayor" and before the word "one" in the seventh line thereof, the words "a councilman-at-large," and by adding after the word "attorney" and before the word "and," in the eighth line thereof the words "a treasurer," who shall be by virtue of his office collector of revenue of such city, and auditor"; so that Section 6263, when amended, shall read as follows. Section 6263. At the next general election for municipal officers in all cities and towns under special charters and having three thousand inhabitants or not more than ten thousand inhabitants there shall be elected a mayor, a councilman-at-large, one councilman from each ward, a constable, an assessor, an attorney, a treasurer, who shall be by virtue of his office collector of revenue of such city, an auditor, and a clerk, each of whom shall hold their respective offices for two years, and their successors shall be elected accordingly.

Sec. 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 3. As some of the cities and towns to which this act will apply will elect officers in April and May, 1903, an emergency exists within the meaning of the constitution; therefore, this act shall be in force and effect from and after its passage.

Approved March 23, 1903.

**RULES AND ORDER OF BUSINESS
OF THE
CITY COUNCIL
OF THE
CITY OF CHILLICOTHE.**

ADOPTED BY THE CITY COUNCIL.

ORDINANCE No. 1.

Rule 1. *Meetings of, and Order of Business.*—That the stated meetings of the city council, shall be held on the first and third Monday of each month, at 7 o'clock p. m. at the city clerk's office, in the city hall building, and that special meetings thereof, may be called by the Mayor or any two councilmen, by leaving written notice thereof at the residence of the respective members of the city council, unless said notice be personally served on each member, and service of such notice shall be, and is hereby made the duty of the city constable, such special meetings to be held at the city clerk's office, city hall building.

The city constable shall have charge of the council chamber, and give his attendance on the meetings of the Council.

Rule 2. At the hour appointed for the meeting, the clerk (or some one appointed to supply his absence) shall proceed to call the roll of members, marking the absentees, and announce whether a quorum be present. Upon the appearance of a quorum, the council shall be called to order, the mayor taking the chair if present, and the councilman-at-large, as chairman, if he should be absent. The council shall then proceed to the business before them, which shall be conducted in the order following:

1. The reading of the minutes of the proceedings of the last meeting or meetings, amendment or approval of the same.

2. The presentation of petitions and reports of officers.

3. The reports of standing committees.
4. Reports of select committees.
5. Communications to the City Council, which may also be considered at any time.
6. Unfinished business of preceding meetings.
7. Motions, resolutions and notices.

Rule 3. All questions relating to the priority of business shall be decided without debate.

Rule 4. The mayor shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the city council.

Rule 5. While the mayor is putting the question, no member shall walk across or out of the council room.

Rule 6. When the city council adjourns, the members shall keep their seats until the mayor shall have left the chair.

Rule 7. Every member, previous to his speaking, shall rise from his seat and address himself to the mayor, and say, Mr. President—but shall not proceed with his remarks until recognized and named by the chair.

Rule 8. When two or more members rise at once, the mayor shall name the member who is first to speak.

Rule 9. No member shall speak more than twice to the same general question, nor more than once to a "previous question," without leave of the city council, nor more than once in any case, until every member choosing to speak shall have spoken.

Rule 10. While a member is speaking, no member shall entertain any private discourse, or pass between him and the chair.

Rule 11. A member called to order shall immediately sit down, unless permitted to explain. If there be no appeal, the decision of the chair shall be conclusive; but if the member appeal to the city council from the decision of the chair, the city council shall decide on the case without debate.

Rule 12. Every member who shall be present when a question is stated from the chair, shall vote thereon, unless excused by the city council, or unless he be directly interested in the question, in which case he shall not vote.

Rule 13. No motion shall be debated or put unless it be seconded. When a motion is seconded, it shall be stated by the mayor before debate; and every such motion shall be reduced to writing, if required by a member.

Rule 14. After a motion or resolution is stated by the

mayor it shall be deemed to be in possession of the city council, but may be withdrawn at any time before a decision or amendment.

Rule 15. If the question in debate contains several distinct propositions, any member may have the same divided.

Rule 16. When a blank is to be filled, and different sums or times proposed, the question shall first be put upon the largest sum and longest time.

Rule 17. When a question is under debate, no motion shall be received unless for the "previous question," to postpone it indefinitely; to adjourn it to a certain day; to lay it on the table; to amend it; or to adjourn the city council.

Rule 18. A motion for the "previous question," to lay the question on the table, or to commit it, until it is decided, shall preclude all amendment and debate on the main question, and a motion to postpone a question indefinitely, or to adjourn it to a certain day, shall, until it is decided, preclude all amendments to the main question.

Rule 19. The "previous question" shall be as follows: "Shall the main question now be put?"

Rule 20. A motion to adjourn the city council shall always be in order, except, first, when a member is in possession of the floor; second, while the yeas and nays are being called; third, when the members are voting; fourth, when adjournment was the last preceding question; or fifth, when it has been decided that a previous question shall be taken.

Rule 21. In all cases when a resolution or motion shall be entered on the minutes of the city council, the name of the member moving the same shall be also entered on the minutes.

Rule 22. If any member requires it, the yeas and nays upon any question shall be taken and entered on the minutes; but the yeas and nays shall not be taken unless called for previously to any vote upon the question.

Rule 23. All committees shall be appointed by the mayor, unless otherwise specially directed by the city council, in which case they shall be appointed by ballot.

Rule 24. Standing and select committees to whom references are made, shall in all cases report in writing the state of facts, with their opinions thereon.

Rule 25. All reports of committees shall be addressed to the mayor and councilmen of the City of Chillicothe, in council assembled.

Rule 26. When a member wishes to present a communication, petition or report, he shall rise in his place and address the chairman in the usual form, and having briefly stated the subject of such communication or report ask leave to present the same.

Rule 27. The city clerk shall forward all papers to the chairman of the appropriate committees within forty-eight hours after their reference shall have been made; and it shall be the duty of the marshal to deliver them.

Rule 28. These rules may be temporarily suspended by unanimous consent of all the members present; but shall not be repealed, altered or amended, unless by concurrence of two-thirds of all the council elect.

Rule 29. *Standing Committees.*—The standing committees shall consist of three members each, and shall be appointed by the mayor biennially, on entering upon the duties of his office; and the mayor shall be ex-officio chairman of all committees, and attend all meetings of the same. The following shall be standing committees, to-wit:

STANDING COMMITTEES.

- | | | |
|------------------------|--------------------|----------------|
| 1. Finance. | 3. Fire and Water. | 5. Markets. |
| 2. Ways and Means. | 4. Public Works. | 6. Ordinances. |
| 7. Streets and Alleys. | 8. Purchasing. | |

Rule 30. *Fiscal Quarter.*—That the “fiscal quarter” (at the end of which certain reports, settlements and other duties, are required by the charter and city ordinances to be made) shall commence and end as follows, viz.: The first quarter shall commence on the first day of April and end on the last day of June; and the second quarter shall commence on the first day of July and end on the last day of September; the third quarter shall commence on the first day of October and end on the last day of December, and the fourth quarter shall commence on the first day of January and end on the last day of March, annually.

Rule 31. *Fiscal Year Shall Close.*—The fiscal year shall close on the last day of March of each year, at which time the annual statement of receipts and expenditures is to be prepared and submitted.

Adopted by the city council, this 26th day of November, 1906.

ORDINANCE No. 2.**An Ordinance to Extend the Corporate Limits of the City of Chillicothe, Missouri, on the North and West, and South and East Corporate Lines.**

Section 1. *Prescribing the City Limits.*—Be it ordained by the mayor and city council of the city of Chillicothe, Missouri, that the corporate boundaries and limits of the city of Chillicothe, Missouri, as described in Section two (2) of Article one (1) of the city charter, be and the same are hereby extended beyond the present boundaries, as described in said section of said charter, to the boundary line described as follows, to-wit: Beginning at a cast iron monument at the southeast corner of the northeast quarter ($\frac{1}{4}$) of section thirty-six (36), township fifty-eight (58), range twenty-four (24) of Livingston County, Missouri; thence north eight degrees and twenty minutes (8-20), west for a distance of nineteen hundred and eighty-nine feet (1989 ft.) to a cast iron monument at the southeast corner of the northeast quarter of the northeast quarter of the northeast quarter of said section thirty-six (36), township fifty-eight (58), range twenty-four (24); thence south eighty-one degrees and forty-five minutes (81-45), west for a distance of fifty-three hundred and seventy-eight feet (5378 ft.) to a cast iron monument at the southwest corner of the northwest quarter of the northwest quarter of the northwest quarter of said section thirty-six (36), township fifty-eight (58), range twenty-four (24); thence south eighty-one degrees and twenty-four minutes (81-24) went for a distance of twenty-five hundred and forty-eight feet (2548 ft.) to a cast iron monument at the southwest corner of the northwest quarter of the northwest quarter of the northeast quarter of section thirty-five (35), township fifty-eight (58), range twenty-four (24); thence south seven degrees and fifty minutes (7-50), east for a distance of nineteen hundred and eighty-three and three-fourths feet ($1983\frac{3}{4}$ ft.) to a cast iron monument in the center of said section thirty-five (35), township fifty-eight (58), range twenty-four (24); thence south on same course for a distance of eight hundred and ninety-seven feet (897 ft.) to a cast iron monument; thence north eighty-one degrees and twenty-four minutes (81-24), east for a distance of twelve hundred and sixty-five and six-tenths feet (1265 $\frac{6}{10}$ ft.) to a cast iron mounument in the center of a line enclosing the west end of

Webster street in said city; thence south seven degrees and forty-eight minutes (7-48), east for a distance of seventeen hundred and thirty-one and two-tenths feet (1731 2-10 ft.), to a cast iron monument at the southwest corner of the southeast quarter of the southeast quarter of said section thirty-five (35), township fifty-eight (58), range twenty-four (24); thence south seven degrees and thirty-five minutes (7-35), east twenty-six hundred and ninety-five and two-tenths feet (2695 2-10 ft.) to a cast iron monument at the southwest corner of the southeast quarter of the northeast quarter of section two (2), township fifty-seven (57), range twenty-four (24); thence north eighty-one degrees and thirty minutes (81-30) east twelve hundred and sixty-two and seven-tenths feet (1262 7-10 ft.) to a cast iron monument at the northeast corner of the southeast quarter of said section two (2), township fifty-seven (57), range twenty-four (24); thence south seven degrees and thirty-five minutes (7-35), east for a distance of thirteen hundred and forty-five and one-fourth feet (1345 $\frac{1}{4}$ ft.) to a cast iron monument at the southwest corner of the northwest quarter of the southwest quarter of section one (1), township fifty-seven (57), range twenty-four (24); thence north eighty degrees and thirty-five (80-35), east for a distance of thirteen hundred and fifty-one and one-half feet (1351 $\frac{1}{2}$ ft.) to a cast iron monument at the southeast corner of the northwest quarter of the southwest quarter of section one (1), township fifty-seven (57), range twenty-four (24); thence north seven degrees and thirty-six minutes (7-36), west for a distance of thirteen hundred and forty-three and six-tenths feet (1343 6-10 ft.) to a cast iron monument at the northeast corner of the northwest quarter of the southwest quarter of said section one (1), township fifty-seven (57), range twenty-four (24); thence north eighty degrees and forty minutes (80-40), east for a distance of four thousand and seventy-nine and seven-tenths feet (4079 7-10 ft.) to a cast iron monument at the southeast corner of the northeast quarter of said section one (1), township fifty-seven (57), range twenty-four (24); thence north eight degrees and twenty minutes (8-20), west for a distance of twenty-six hundred and sixty-two and eight-tenths feet (2662 8-10 ft.) to a cast iron monument at the northeast corner of the northeast quarter of said section one (1), township fifty-seven (57), range twenty-four (24); thence north eighty-one degrees and eleven minutes (81-11) east for a distance

of thirteen hundred and seventy feet (1370 ft.) to a cast iron monument; thence north eight degrees and twenty minutes (8-20) west for a distance of twenty-six hundred and twenty-seven and four-tenths feet (2627 4-10 ft.) to a cast iron monument; thence south eighty-one degrees and thirty minutes (81-30), west for a distance of thirteen hundred and seventy feet (1370 ft.), to place of beginning.

Sec. 2. *Extending Jurisdiction.*—Be it further ordained that the jurisdiction of the city of Chillicothe, Missouri, shall in all matters of charter powers, authority and rights, extend to and embrace all the territory hereby brought into the corporate limits of the said city, as fully and completely as though the said territory had been included within the corporate limits of the said city under the original charter thereof, or any amendment thereto, or any act of the city council of the said city, not inconsistent with this act and not hereby repealed.

Sec. 3. *Extending Jurisdiction of Ordinances.*—Be it further ordained that the revised ordinances of the said city, and all existing ordinances of the said city, heretofore passed and approved and now in force, are hereby declared and ordained to extend to, and be in full force and effect in and over all the territory by this act brought within the corporate limits of the said city of Chillicothe, Missouri.

Sec. 4. *Repealing Ordinances in Conflict.*—Be it further ordained that all ordinances, or parts of any ordinance, in conflict with this ordinance, or any part of the same, are hereby repealed.

Passed and approved November 16th, 1893.

ORDINANCE No. 3.

An Ordinance Subdividing the City of Chillicothe, Missouri, Into Four Wards, and Establishing the Boundaries of the Same and Repealing Ordinance Two (2) of the Revised Ordinances of 1894.

Section 1. *Subdividing the City Into Wards.*—Be it ordained by the mayor and city council of the city of Chillicothe, Missouri: That the city of Chillicothe is hereby laid off and subdivided into four wards. The First ward shall include all that portion of the city lying north of the center line of Jackson street, and west of the center line of Locust street. The Second ward shall include all that portion of the city north of the center line of Jackson street, extending to the east lim-

its of the city, and east of the center line of Locust street. The Third ward shall include all that portion of the city south of the center line of Jackson street extended to the east limits of the city, and east of the center line of Locust street extended to the south limits of the city, and the Fourth ward shall include all that portion of the city south of the center line of Jackson street, and west of the center line of Locust street, extended south to the limits of the city.

Sec. 2. *Repealing Ordinance Subdividing City Into Five Wards.*—Ordinance No. 2, entitled "An Ordinance Subdividing the City of Chillicothe, Missouri, into Five Wards and Establishing the Boundaries of the Same," be and is hereby repealed.

Passed and approved the 7th day of June, 1894.

ORDINANCE No. 4.

An Ordinance in Relation to Elections.

Section 1. *Elections—when held.*—Be it ordained by the mayor and city council of the city of Chillicothe, Missouri; That the general city elections for all officers of the corporation required to be elected by the city, charter or by an ordinance of the city, and all special elections ordered by the city council shall be held at such place or places within said city as shall be designated by the city council, of which due notice shall be given by publication in some newspaper or newspapers published in said city.

Sec. 2. *Officers Elected, and Notice of Election.*—The biennial city election for the purpose of electing a mayor, a councilman-at-large, a councilman from each ward, a constable, an attorney, a police judge, a city clerk, a treasurer, an auditor, and an assessor, shall be held biennially on the first Monday in May, each of whom shall hold their respective offices for two years, and until their successors shall be elected and qualified, and the city council shall give at least 14 days' notice of such election, by publication in some newspaper or newspapers, published in such city.

Sec. 3. *Election Districts.*—The city is hereby divided into election districts. Each ward now existing, or which may hereafter be formed, shall constitute one election district. In each election district the city council shall provide and designate one polling booth for each hundred votes cast at the last preceding election, in conformity with the present state law

governing elections, all the provisions of which applicable to this city are to be conformed to in every election within the scope of said law.

Sec. 4. *Qualification of voters.*—No person shall be entitled to vote at any election under this act who is not entitled to vote at state elections; he shall moreover have been an actual resident of the city for sixty days, and of the ward for which he votes thirty days. PROVIDED, that the voter shall be deemed a resident of the ward in which he has lodged for thirty days next preceding the election at which he votes.

Sec. 5. *Judges and Clerks of Elections.*—The city council, prior to such election, shall appoint six judges for each election precinct, who shall be residents and qualified voters of the election precinct they are appointed for. Four persons for each voting precinct shall be appointed at the same time having like qualifications to act as clerks thereof all of whom shall be notified at once by the city recorder of their appointment. The judges and clerks appointed shall, on or before the day of election, take the oath prescribed by the statutes governing state elections, which oath may be administered by the city recorder, or any other person authorized by law to administer oaths. If any person so appointed declines or neglects to serve, the city council, if in session, shall fill the vacancy. If the vacancy is not filled, or if any person appointed as judge or clerk fail to be present or refuses to serve, a majority of the qualified voters then and there present may elect a qualified person to act as judge or clerk of such election. The oath may be administered by any judge, who has been sworn, to the other judges and clerks who have not been sworn, at the opening of the polls. It shall be the duty of said judges at each election precinct to select from their number two who shall be designated and known as receiving judges, and two who shall be designated and known as counting judges, and two who shall be designated and known as ballot judges—and they shall be of different politics. The delivery of ballots and counting of the ballots after the opening of the polls shall proceed in the same manner, and the election, shall be conducted as provided by the general election law of the state.

Sec. 6. *City Clerk to Provide Ballot Boxes and Tally Sheets.*—The city clerk shall provide the necessary ballot boxes for each election district, the necessary tally sheets and poll books for each district, and have them at the voting places

before the opening of the polls on the day after the election.

Sec. 7. *Ballots, How Counted, Certificate of Poll-books.*—All elections shall be held by ballot, and the returns carefully counted and certified under the hands of the judges and clerks. The certificates shall conform, as near as practicable, to the general law governing state elections; and when certified, shall be filed with the city clerk on or before the day after the election.

Sec. 8. *Vacancies in Office—How Filled.*—In case any office filled by an election of the qualified voters of the city shall become vacant by death, resignation or otherwise, it shall be the duty of the city council to order an election within ten days after the occurrence of such vacancy, unless such vacancy occurs within three months of the next city election, to fill such vacancy, first causing notices, as required by sections 1 and 2, of this ordinance, to be given.

Sec. 9. *Persons Elected to Fill Vacancies, Term of Office.*—All persons elected to fill any vacancy shall hold their respective offices until the next general election, and until their successors are elected and duly qualified.

Sec. 10. *Compensation of Judges and Clerks.*—The compensation of all judges and clerks of election, special or general, shall be one dollar and fifty cents per day for each one, payable out of any money in the city treasury.

Sec. 11. *Inability of Judges or Clerks to Proceed, Voters to Select.*—If any judge or clerk of election, after entering upon the discharge of his duties, shall, by the sickness of himself or family, or other personal disability, be unable to complete the performance of his duties, another may be appointed in his place by a majority of the qualified voters present. Such person shall be sworn as provided by section 5, of this ordinance.

Sec. 12. *Every Political Party may have Witness.*—Either political party shall have the right to select a representative man, who may be admitted as a witness of the counting of the ballots at each poll or voting place. Such witness shall take the oath that the state law provides in such case before he is admitted to the place of counting the votes.

Sec. 13. *Announce Total Number of Votes Polled.*—After the examination of the ballots has been completed, the whole number of votes for each person shall be enumerated under the inspection of the judges, and set down as directed in the form of the poll books, and be publicly proclaimed to the persons present.

Sec. 14. *Mayor's Proclamation and Inauguration of Officers.*—That the mayor shall, immediately after any election for city officers, or after any special election to fill a vacancy in the office of mayor, then the councilman-at-large, shall issue his proclamation convening the city council, on the Monday after such election, for the purpose of making provision for the inauguration of the officers elect.

Sec. 15. *Canvass of Voters, Notice to Officers Elected.*—The city council when convened, shall proceed to ascertain from the poll books of the several election districts of the city, the certificates of the judges and clerks, who have been elected, and shall give notice to the persons elected that on the Tuesday following said Monday, at twelve o'clock (noon), in the office of the city clerk, they will be inaugurated.

Sec. 16. *Administering Oath of Office.*—Upon the day designated the council shall meet in session for the purpose aforesaid only, when the oath of office shall be administered by the city clerk, or in his absence by some other person authorized to administer oaths, to the officers elect.

Sec. 17. *Repealing Ordinances in Conflict.*—All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Passed and approved this 26th day of November, 1906.

ORDINANCE No. 5.

An Ordinance Prescribing the Duties and Powers of the Officials and Officers of the City.

CHAPTER I.

The Mayor.

Section 1. *Qualifications and Oath of Office.*—Be it ordained by the mayor and city council of the city of Chilli-cothe, Missouri, as follows:

The mayor shall take the oath, possess the qualifications, be invested with the power and perform such other duties as are prescribed by ordinance and the city charter, as follows:

Sec. 2. *Has General Supervision Over City Officers.*—The mayor shall have general supervision and control of all the city officers, whenever he shall see fit, to examine into the condition of their respective offices, books, papers and records therein, the manner of conducting their official business, and

may call upon any officer, clerk or deputy for information in relation to any matter pertaining to his office, and may require any officer to make a report in writing of any matter pertaining to his office.

Sec. 3. *Shall Report to City Council any Neglect of Duty.*—The mayor shall report to the city council all violations or neglect of duty on the part of any city officer which may come to his knowledge, and the city council may take such action as the facts warrant.

Sec. 4. *See That Ordinances are Enforced.*—It shall be the duty of the mayor to see that the ordinances of the city are carried into execution, and in case of riot, rout or unlawful assembly, he shall have power to direct the action of the city police and military of the city, and to call to his aid all citizens to aid in the suppressing of all disturbances and breaches of the peace, and in case of urgent necessity to employ special police for temporary purpose at the expense of the city.

Sec. 5. *May Make Arrests.*—The mayor shall have power to make arrests in cases where he has good reason to believe an offense has been committed by any person or persons and to summons persons to his aid in making such arrests. All persons arrested by the mayor shall be turned over to the police judge, to be dealt with according to law.

Sec. 6. *May Remove Paupers.*—The mayor, and in his absence, the acting mayor, shall have authority to direct and aid in the removal of paupers, from the city, and in cases of extreme necessity, to provide for their temporary support. He shall have power to make provision for the temporary keeping and protection of idiots and insane persons, when unaccompanied by proper guardians, and shall take immediate steps to have them transferred to the proper authorities. All expenses incurred by the mayor in performing the duties imposed by this section, shall be reported to the city council.

Sec. 7. *Appointment of Officers.*—That all officers whose appointment is authorized by the city charter or by the ordinances of the city, shall be appointed by the mayor and confirmed by the city council, at their first regular meeting held after their election, or as soon thereafter as practicable, and the mayor shall fill any vacancy that occurs in any appointive office, as hereinbefore provided.

Sec. 8. *What Officers.*—It shall be the duty of the mayor to appoint a city engineer, one or more policemen

and some suitable and competent person to the office of street and sidewalk commissioner, which officers shall hold their office for two years, or until their successors are appointed and qualified, unless sooner removed by the city council.

Sec. 9. *Preside at Meetings of City Council.*—The mayor shall preside at all meetings of the city council, and shall have a casting vote and no other and shall sign the appointment or commission of every officer elected or appointed to the city government.

Sec. 10. *Salary.*—The mayor shall receive an annual salary of three hundred dollars, payable, monthly, and in addition thereto, shall receive the sum of two dollars for each meeting of the city council at which he shall be present.

CHAPTER II.

Councilmen.

Sec. 1. *Oath of Councilmen.*—The councilman-at-large and each councilman shall take the oath and possess the qualifications and perform such duties as are provided by ordinances and the city charter, as follows.

Sec. 2. *Duties of the Councilman-at-large.*—In case of a vacancy in the office of mayor or his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the councilman-at-large shall be vested with all the powers and perform all the duties as mayor until the mayor shall resume his office or the vacancy be filled by a new election.

Sec. 3. *Councilmen to be Fire Wardens, Exempt from Jury Duty.*—The councilman-at-large and each councilman shall be fire wardens and conservators of the peace, and shall be exempt from jury duty, during their term of office.

Sec. 4. *Removal from Ward Vacates Office.*—If any councilman shall, after his election, remove from the ward from which he was elected, his office shall thereby be vacated.

Sec. 5. *No Councilman to Hold Any Other Office or be Interested in City Contract.*—No councilman shall be appointed to any office under authority of the city, nor shall any councilman, or other city officers, be directly or indirectly interested in any contract with the city or any department or institution thereof.

Sec. 6. *Duty to Attend Meetings of City Council.*—It shall be the duty of each councilman to attend all regular, adjourned or called meetings when duly notified, of the city council, unless excused by a majority vote of the city council.

Sec. 7. *Salaries.*—Each councilman shall receive the sum of two dollars for each meeting of the city council at which he shall be present.

CHAPTER III.

Police Department.

Section 1. *Qualifications of City Constable.*—The city constable shall be a qualified voter of the city of Chillicothe, and a resident thereof for two years next preceding his election, and shall have attained the age of twenty-five years and his duty shall be as follows:

Sec. 2. *Bond.*—The city constable shall, before entering upon the duties of his office, give bond to the city in the sum of one thousand dollars, with at least four good securities to be approved by the city council, conditioned for the faithful discharge of all the duties of his office.

Sec. 3. *Chief of Police.*—The constable shall be chief of police of the city and in addition to the duties imposed upon him by the charter, it shall be his duty:

First, To see that all the ordinances of the city are faithfully and rigorously enforced, and to arrest forthwith and bring before the police judge, any person who shall in his presence commit any violation of the ordinances of the city, or of the laws of this state.

Second, To arrest and bring before the police judge, or commit to the city prison, or some other place of safekeeping, for the space of not more than twenty-four hours, unless Sunday intervenes, any person charged with violation of law or ordinance.

Third, To execute all processes of the police court.

Fourth, To hold in custody all persons upon whom fines or costs may have been imposed by the police court for such period as may be prescribed by ordinance, or the judgment of the police court, or until the same be paid.

Sec. 4. *Office in City Hall.*—The city constable shall keep and have, an office in the city hall building, and at which shall be his duty, and that of his deputies to remain when

not necessarily absent on account of official duties, and where notice may be left for him.

Sec. 5. *Arrests.*—The city constable shall, when informed that any breach of the peace or violation of any law ordinance has been or is about to be committed in any part of the city, repair to such place without delay, and take such measures as may be necessary to prevent such breach, or arrest the offender or offenders.

Sec. 6. *May Summons Assistance.*—The city constable is authorized, whenever necessity may require, to summon to his aid in arresting or holding offenders, or preventing breaches of the peace or of ordinance, any and all persons; and in the case of the refusal of any person to render such aid when required by the city constable or either of his deputies, the city constable may arrest the person so refusing and bring him before the police judge, who, on conviction of such person of such refusal, shall impose upon such person a fine of not less than one nor more than five dollars.

Sec. 7. *Feeding of Prisoners.*—The feeding of all prisoners shall be let at a stipulated price per week, counting twenty-one meals for a week, which shall be charged and collected as costs against the defendant in all cases of conviction; but in all cases of acquittal, stays of execution to leave the city, or where the fine and costs shall be worked out, such meals shall be paid for by the city. The city constable shall see that the meals furnished under such contract are clean, wholesome, sufficient in quantity and substantial, and shall report all violations of such contract to the city council.

Sec. 8. *Account for Money Received.*—The city constable, shall keep full and correct account of all moneys received by him for the city and all payments made to the city, and the date thereof, and of all transactions on account of which he may be entitled to receive money from the city, which with the vouchers thereof shall be exhibited to the city council, in settlement of his official accounts.

Sec. 9. *Settlement With the City Council.*—The city constable shall make a full settlement with the city council, at the end of each fiscal quarter, of all matters between him and the city, and such other settlements as may be required by the council or by ordinance.

Sec. 10. *Charge of City Prison.*—The city constable

shall have charge of the city prison, and shall keep the same in good, safe and cleanly condition.

Sec. 11. *Intoxicating Liquors While on Duty.*—The city constable shall not while on duty drink any intoxicating liquor, or be under the influence of intoxicating liquor, nor shall he visit any saloon, house of ill-fame, or any disreputable place, except in the performance of official duty, and any violation of this section shall be deemed good cause for removal from office.

Sec. 12. *Provide Prisoner's Register and Charge Book.*—The city constable shall provide two substantially bound books to be known as the "Prisoner's Register" and "Charge Book" which shall contain suitable columns appropriately arranged, with captions thereto, showing the date and hour of arrest of all persons arrested within the city, the name of every person so arrested, the character of the offense for which the arrest was made, whether against the laws of the state or the ordinances of the city, stating the number and section thereof, name of witnesses, the date and hour of release, the number of meals furnished to each prisoner at the city's expense, and the name of the officer by whom the arrest was made.

Sec. 13. *Make Proper Entries in Books.*—It shall be the duty of the city constable to make proper entries in all columns of said "Prisoner's Register" in all cases when arrests are made within the city, so as to show all matters relating to each case. The said "Prisoner's Register" shall be permanently kept in the city constable's office and shall be delivered by said constable to his successor along with all other records and fixtures of his office, and shall be and remain part of the permanent records of the city.

The said "Charge Book" shall be permanently kept in the city constable's office, and accessible at all times both day and night as a public record. All complaints for violations of city ordinances shall be registered in said "Charge Book" by the person making the same, and all officers making any arrests shall immediately make proper entries in all columns of said "Charge Book" so as to show all matters relating to each arrest, number and section of ordinance violated, name of witnesses and the officer shall sign the same.

Sec. 14. *Copy of Books.*—The said "Charge Book" and "Prisoner's Register" shall be in the following form, to-wit:

CHARGE BOOK.

Date	Time a.m. p.m.	Prisoner's Name	Ordinance No.	Sec	Names of witness	Officer who made arrest	Date of com- plaint by city attorney

PRISONERS' REGISTER.

Date of ar- rest	Hour of arrest	Name of Prisoner	offense against city or state	Date of release	Hour of release	No. of meals at city's expense	Disposition of case	Name of officer making arrest

Sec. 15. *Furnish the City Attorney Names of Witnesses.*—It shall be the duty of the city constable to furnish to the city attorney each morning, at least half an hour before the time of opening the police court, the names of all persons arrested during the last twelve hours, with a statement of the offenses with which they are charged, the name of the officer who made the arrest, the names of the witnesses, together with such information concerning such arrest as he may have.

Sec. 16. *Salary.*—The city constable shall receive as full compensation for all services as city constable the sum of sixty dollars per month.

Policemen.

Sec. 17. *Patrol City.*—It shall be the duty of the city police to patrol the city every night and day, for the purpose of preserving good order in the city, prevent the violation of any ordinance, and to protect the lives of the citizens, and their property.

Sec. 18. *Assist City Constable.*—It shall be the further duty of the city police to render the city constable at all times such aid as he may require of them for the purpose of keeping good order in the city and enforcing any ordinance thereof; and it shall be their imperative duty at all times, night or day, to arrest without warrant or order any and every individual found violating any ordinance of the city, and it shall be their

further duty to make diligent inquiry and if they can get sufficient proof that any ordinance has been violated by any person, they shall file an affidavit with the city attorney and get a warrant for such person, and forthwith arrest such person and bring him before the police judge, to be dealt with according to ordinance violated.

Sec. 19. *Not to Drink Intoxicating Liquors.*—Members of the police department shall not, while on duty, drink any kind of liquor, or enter any place in which any kind of liquor may be sold, or enter any bawdy house or suspicious house, or any place of amusement, except in the discharge of duty.

Sec. 20. *Not to Accept Reward.*—No member of the police department shall accept from any person arrested, any reward or gratuity of any kind or character.

Sec. 21. *Must be Qualified Voters.*—The members of the police force shall be citizens of the city of Chillicothe, and qualified voters, and shall be capable of reading, writing and speaking the English language, and not interested in the keeping of any tavern, coffee house or dramshop.

Sec. 22. *Alarm.*—That the alarm of the police of this city shall be a whistle, and each of the police shall use the same sounding whistle to be furnished by the city to each police at actual cost to the city.

Sec. 23. *Search Parties Arrested.*—It shall be the duty of every policeman upon arresting any person and before depositing him in the calaboose, to search him and take charge of all valuables that he may have in his possession, and to make a memorandum of the same in the charge book, kept for that purpose, and to be signed, when able, by the prisoner; and all such valuables he shall produce in the court upon the trial of the prisoner.

Sec. 24. *Not to Communicate Information.*—No member of this department shall communicate, except to such persons as he may be directed by his superior officer, any information respecting orders he may have received, or any regulation that may be made for the government of the department, nor shall any policeman communicate to any person any information which may enable such person to escape from arrest or punishment.

Sec. 25. *To Obey Punctually.*—It shall be the duty of the police to obey punctually, and to the best of their ability, the orders of the chief and at any hour of the day or night,

whether upon special duty or not, they shall, to the best of their ability, preserve order, peace and quiet throughout the city, arrest all persons found in the act of violating any law or ordinance, arrest all persons found under suspicious circumstances and who cannot give a good account of themselves, and convey all such persons to the work house or city prison, and report within twenty-four hours to the attorney the cause of such arrest, and the names of the witnesses, and all the facts connected therewith.

Sec. 26. *Salary*.—Every regular policeman shall receive as full compensation as such the sum of fifty dollars per month, and each special policeman the sum of one dollar and fifty cents per day, while employed as such.

CHAPTER IV.

Police Judge.

Sec. 1. *Court*.—The police judge shall hold his court in the council chamber of the city hall building; shall open court and call his docket at 9 o'clock each day and keep said court open every day except Sunday.

Sec. 2. *Jurisdiction*.—The police judge shall have exclusive, original jurisdiction to hear and determine all offenses against the ordinances of the city; and no change of venue shall be granted or taken in any trial before the police judge for the violation of any city ordinance. He shall keep a docket in which he shall enter every case commenced before him, and the proceedings therein; and he shall deliver said docket and all the books and papers pertaining to his office to his successor in office.

Sec. 3. *Absent, Mayor Shall Act*.—If the police judge be absent, sick, or disqualified from action, the mayor shall act as police judge until such absence or disqualification shall cease.

Sec. 4. *Action Shall be Brought in Corporate Name*.—All prosecutions for violation of any city ordinance shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture stating the ordinance and section thereof under which said charge is made, and the police judge shall state in his docket the name of the complainant, the nature or character of the offense, the date of the trial, the names of all witnesses sworn and examined, the findings of the court or jury, the judg-

ment issuing commitment, if any, and all other facts necessary to show the full proceedings in each case.

Sec. 5. *Information.*—Upon information in writing filed in the police court by the city attorney, that any breach or violation of any provision of the ordinances of the city has been committed, for the breach of which any penalty or fine is imposed, the police judge shall forthwith issue a warrant for the arrest of the offender or offenders. Such information shall be verified by the oath of the city attorney, which verification may be before any officer authorized to administer oaths and may be upon the information and belief of the city attorney or such information may be supported by a complaint made by and on oath of some person competent to testify as a witness in the case before any officer authorized to administer oath, filed with, and for the use of the city attorney.

Sec. 6. *Warrants.*—All warrants issued by the police judge shall be directed to the city constable and such warrants may be executed by the constable, or any policeman at any place within the limits of Livingston County, Missouri. And the city constable or, in his absence, some policeman shall be constantly in attendance at the police court, when in session.

Sec. 7. *Hear Charges Forthwith.*—When any person shall be arrested and brought before the police judge, it shall be the duty of the police judge to hear and determine forthwith the charge alleged against the defendant, unless for good cause the trial be postponed to a certain time, which shall in no case be longer than ten days, and in that event, he shall require the defendant to enter into recognizance with sufficient security, conditioned that he will appear before the said police judge, at the time and place appointed, then and there to answer the charges alleged against him; and if he fail or refuse to enter into such recognizance the defendant shall be committed to prison and held to answer such complaint as aforesaid.

Sec. 8. *Parties Arrested May Give Bond.*—Any officer making an arrest at night or on Sunday, or in the absence of the police judge, may release the party or parties arrested, on bond, with good and sufficient security, in double the amount of the highest penalty provided by ordinance for the violation alleged, conditioned that he will appear the following morning at 9 o'clock in the police court to answer for

the violation of which he is accused, and there to await his trial of the charge pending or to be preferred against him.

Sec. 9. *Forfeiture of Bond*.—In case of the breach of any such bond or if the principal therein shall fail to appear according to the condition of the said bond, or, having appeared shall depart the court without leave, the police judge shall adjudge said bond to be forfeited and render judgment against the principal and sureties therein for the amount of the penalty in said bond mentioned, together with costs and shall issue execution therefor.

Sec. 10. *Jury Trial*.—Any person accused before the police judge shall be entitled to have his case tried before a jury, who shall possess the qualifications of legal voters in the city of Chillicothe; such jury shall consist of six persons, and each party shall be entitled to challenge; peremptorily, three jurors; but where there are several defendants, they shall join in their challenges, and the city shall announce its challenge first, and the panel of jurors summoned by the city constable shall equal the number of peremptory challenges in addition.

Sec. 11. *When Demanded*.—Such jury shall be demanded before the trial is commenced, and when such demand is made, the court shall issue to the city constable a venire for a jury returnable forthwith, or at the time to which such trial has been continued; provided that on motion of the city attorney the court shall issue the venire to some other officer.

Sec. 12. *Amendments*.—No proceedings shall be dismissed, or defendant, discharged, by reason of any informality or irregularity in any information; but such information may, by leave of court, at any time before or during the trial, prior to the retirement of the jury or the finding of the police judge, be amended without prejudice to the proceedings.

Sec. 13. *Not Necessary to Subpoena Witnesses, When*.—When a trial shall be continued by the police judge, it shall not be necessary to subpoena any witness who may be present at the continuance; but the police judge shall verbally notify such witnesses as either party may require to attend before him on the day set for trial to testify in the case, and enter the names of such witnesses on his docket, which verbal notice shall be as valid as a subpoena.

Sec. 14. *Subpoena Witnesses, Attachment of.*—It shall be the duty of the police judge to subpoena all persons whose testimony may be deemed essential as witness at any trial before him, or represented by the defendant or city attorney, and to enforce their attendance by attachment, if necessary. The fees of witnesses and jurors in the police court shall be the same as are, or may hereafter be, fixed by law in civil cases tried before justices of the peace.

Sec. 15. *Information May Include More Than One Person.*—The information filed with the police judge by the city attorney may include more than one person, and if two or more parties be included in the same warrant issued by the police judge charged with the same offense, they may, when arrested and brought before the police judge, be tried either jointly or separately, as they may elect, and when tried jointly they shall each on conviction pay such fine as either the jury or police judge may assess against them, the fine to be determined by the ordinance violated, and the costs be such as the police judge may consider to be *pro rata* share of each one found guilty.

Sec. 16. *Judgment.*—If the defendant plead, or be found guilty, the police judge shall declare and assess the punishment prescribed by ordinance, according to his findings, or the verdict of the jury, and render judgment accordingly and for costs of suit, and that the defendant stand committed until judgment is complied with.

Sec. 17. *Work on Street.*—Any person who has been convicted in the police court and sentenced by the police judge, for violation of any ordinance of the city, whether the punishment be by fine or imprisonment, or by both, may be put to work and required to perform labor on the public streets, highways, and alleys, or other public buildings, or works of the city. And the street commissioner, or other proper officer of the city, shall have power and be authorized and required to have or cause all such prisoners to work out the full number of days for which they have been sentenced, at breaking rock, or at working upon public streets, highways, or alleys, or other public work or buildings of the city, as may be designated, and if the punishment is by fine and the fine be not paid, then for every dollar of such judgment the person shall work one day. And it shall be deemed a part of the judgment and sentence of the court that such prisoner may be worked as herein provided.

Sec. 18. *Discharged on Payment of Fine and Costs.*—Any defendant committed under the provisions of this ordinance may be discharged on the payment in full to the police judge of fine and costs, or upon perfecting an appeal as hereinafter provided.

Sec. 19. *Appeals.*—In all cases before the police judge arising under the ordinances of the city, an appeal may be taken from the judgment of the police judge to the Circuit Court of Livingston County, Missouri; such appeals may be taken by either the city or the defendant, but no appeal bond shall be required of the city. When an appeal is taken from the judgment of the Police Court the defendant shall be required to give bond as in appeals in trials for misdemeanors before a justice of the peace. If, on trial in the Circuit Court, the defendant shall be convicted, and fails or refuses to pay the costs and fine assessed against him such fine may be collected as if no appeal had been taken, and the defendant may be committed to the city prison or compelled to work out such fine and costs, as provided by the charter and ordinances for collecting fines and costs in the Police Court, when no appeal has been taken.

Passed and approved this 12th day of April, 1909. (New section.)

Sec. 20. *Certified to Circuit Court.*—Upon an appeal being perfected, the police judge shall within ten days thereafter, make out and certify to the Circuit Court a full transcript of the proceedings had in said suit.

Sec. 21. If the defendant fail to perfect his appeal immediately after the rendition of the judgment, or otherwise to relieve himself from the custody of the court, he shall stand committed to the city prison, there to remain until such judgment of the police judge is paid off or secured as hereinafter provided, or the said appeal is perfect according to law.

Sec. 22. *Charges Without Probable Cause.*—When upon the trial of any person charged with the violation of any ordinance of this city, and the police judge is satisfied from the evidence that the complaint when made by other persons than the city officer was made vexatiously, maliciously and without probable cause, he shall acquit the defendant and render judgment against the complainant for all the costs of the proceedings therein; and such judgment shall have like effect and may be enforced in the same manner as

if judgment had been rendered against such informant for violation of the ordinance.

Sec. 23. *Depositions.*—Depositions taken in conformity with the laws of his state may be read on behalf of the city or defendant in any trial before the police judge, and the police judge may grant a continuance as herein provided, for good cause shown and upon proper application, to allow depositions to be taken, or to secure the attendance of absent witnesses. The ordinary rules of practice in courts of record in this state, as far as the same may be applicable, shall prevail in proceedings had before the police judge.

Sec. 24. *Administer Oaths.*—The police judge shall have power to administer oaths and enforce obedience to all orders, rules, process and judgments made or rendered by him, and may fine or imprison any officer failing to promptly execute any such orders, rules, process or judgments, and may fine or imprison for contempt offered to such judge while holding court in the manner provided by the city charter.

Sec. 25. *Reports.*—The police judge shall, at the first council meeting of each month, make out a list of all the cases heard or tried before him during the preceding month, giving in each case the name of the defendant, the fine imposed, if any, the amount of costs, the names of the defendants committed, and the cases appealed, respectively. The police judge shall verify and file the same forthwith with the city clerk, who shall lay the same before the council at its said session.

Sec. 26. *Costs.*—The police judge shall tax the same cost in each case allowed by the statute, to witnesses, juries, constables and justices of the peace, in civil cases, and shall collect all costs and fines arising for the prosecution in the police court, and shall at the end of each week pay to the treasurer all moneys collected by him, taking the treasurer's receipt therefor.

Sec. 27. *Refusing to Prosecute.*—Whenever any person other than the city attorney or some city officer shall swear to a complaint before the police judge charging any person with a violation of any city ordinance for a misdemeanor, and such complainant shall afterwards refuse or decline to prosecute the case in the Police Court, the judge shall have the right to tax the costs against the person who signed the complaint and shall enter up a judgment against such person for such costs, and the judgment shall be enforced as other judgments in the Police Court in misdemeanor cases.

Passed and approved this 12th day of April, 1909.
(New Section.)

Sec. 28. *Bond of Police Judge.*—The police judge shall, within ten days after his election and before entering upon the discharge of the duties of his office, give bond to the city in the sum of one thousand dollars with two or more securities, residents of Livingston County, Missouri, to be approved by the mayor and the city council, conditioned for the faithful performance of its duties, under the law and ordinances of the city; that he will pay over all moneys belonging to the city, as provided by law, that may come into his hands, which bond shall be filed with the city clerk.

Sec. 29. *Police Judge, City Recorder.*—The police judge, by virtue of his office, shall be city recorder; shall be invested with all the rights and powers of the city recorder as heretofore exercised by that officer, and shall perform all the duties of the city recorder as required by the city charter.

Sec. 30. *Salary.*—The police judge shall receive an annual salary of three hundred sixty dollars, payable monthly, which shall be in full compensation for all services performed.

CHAPTER V.

City Attorney.

Section 1. *Qualifications.*—The city attorney shall be learned in the law, a member of the Livingston County Bar in good standing, and a legal voter of the city.

Sec. 2. *Duties.*—The city attorney shall prosecute all violators of city ordinances and in appellate courts to all appeals in cases originating before the police judge; he shall appear for the city in all courts of record within this state in any case where the City of Chillicothe is either party, plaintiff or defendant, or a party in interest and shall dispose of such cases to the best interest of the city; he shall in all cases be the legal adviser of the city, and when requested by any officer of the city or city council, shall furnish a written opinion upon any legal question upon which he or they may require information in regard to the duties of his or their office.

Sec. 3. *Attend Council Meetings, Write Contracts and Ordinances.*—The city attorney shall attend all regular meetings of the city council, and all special meetings when requested to do so, and shall write all deeds to be taken or contracts entered into or to be entered into by the city, and shall

pass on and approve, as to the legality thereof, all franchises granted by the city, and shall advise and consult with the city council as to the legality and proper phrasology of any existing or contemplated ordinances and to write new ordinances or any amendment to any existing ordinance, when directed to do so by resolution of the city council.

Sec. 4. *Absence or Other Inabilities to Perform Duties.*—

In cases of sickness, absence from the city, or other inability of the attorney to attend court, or when before assuming his office he shall have been retained as counsel adversely to the city, in any case to which it is his duty to attend on behalf of the city, he shall inform the mayor thereof, who shall appoint another person to represent the city in such cases, or during such temporary absence, sickness or inability.

Sec. 5. *Notice in Condemning Property.*—In all proceedings to condemn private property for public use, it shall be the duty of the city attorney to prepare all legal papers connected therewith, and see that all notices, decisions of juries and all other records and proceedings are made out in legal form and in accordance with the ordinances of this city and the laws of the state of Missouri.

Sec. 6. *Affidavits on Behalf of City.*—He shall make affidavits on behalf of the city in all cases where the same may be necessary in procuring a change of venue or taking appeals, or which may be necessary in conducting any suit in any court.

Sec. 7. *Other Duties.*—In addition to the duties herein provided, he shall perform such other duties as may be required of him by ordinance and the city charter.

Sec. 8. *Salary.*—The city attorney shall receive an annual salary of Seven Hundred and Twenty Dollars, payable monthly, which shall be in full compensation for all services performed.

CHAPTER VI.

City Clerk.

Section 1. *Custodian of Seal, Other City Property.*—That the city clerk shall have the custody of the city seal, the public records, the original ordinances, and resolutions of the city council, and all other papers, records and documents that may be committed to his charge; he shall affix the city seal to all public instruments or official acts of mayor, which, by law or ordinance, are required to be attested by the

city seal, to certify any documents, copies or papers in his office required for individual use, or by any officer of the city, taking therefor the receipt of the person or officer to whom the same are delivered.

Sec. 2. *Prepare Commissions.*—The clerk shall prepare all commissions and other official documents, which the mayor is required to sign, and, whenever it is required, affix the city seal, to countersign the same, and shall keep a record of the issuing of all commissions and such other documents as from their nature it may be necessary or proper to record.

Sec. 3. *Procure Stationery.*—The clerk shall procure stationery, books, fuel, furniture and other articles necessary for his own office, for the mayor's office, for the city council, and shall be authorized to pay the necessary expenses upon any documents issued or received by him for the city, and shall certify the amount of any such expenses to the city auditor, and shall be entitled to receive therefor a warrant.

Sec. 4. *Publication of Ordinances.*—The clerk shall cause the ordinances to be published as required by the charter, and shall superintend the printing thereof, examine and correct the proof.

Sec. 5. *Record of Ordinances Passed.*—The clerk shall keep, in a suitable book, a complete and perfect record of all ordinances passed by the city council which shall become laws, and an index to such ordinances, and a record of all acts and resolutions of the council and an index thereof.

Sec. 6. *File Deeds.*—The clerk shall file and keep all deeds and bonds executed to the city, and all other public papers committed to his charge.

Sec. 7. *Other Duties.*—The clerk shall perform such other duties as may be imposed upon him by ordinance, as clerk of the council.

Sec. 8. *Bond.*—The clerk shall be required, before entering upon the duties of his office, to file his bond to the city, with sufficient security, approved by the mayor in the sum of One Thousand Dollars, conditioned, for the faithful discharge of his duties.

Sec. 9. *Fees for Writing Documents.*—The clerk shall collect for all writing or copying done for the city, ten cents for each one hundred words written by him; for each commission issued or prepared by him, fifty cents, to be paid by the party receiving the same; for every license, a fee of fifty cents, to be paid by the person applying for the same, and

when collected by the clerk it shall be paid by him into the city treasury.

Sec. 10. *Not to Permit Records out of Possession.*—The clerk shall not permit any records or documents in his charge to be removed from his office, except by some city officer entitled to the use thereof, or for the inspection of the council, or upon the order of the mayor. He shall have published in the official paper of the city, the quarterly report of the city auditor as soon as such report has been submitted to and approved by the city council.

Sec. 11. *Charge of the City Hall.*—The clerk shall have charge of the city hall building and grounds connected therewith, to keep them in good condition, to have the renting, under the supervision of the council, of the upper part of said building and to collect the rents for the use of the same; and he shall, at the end of each month, pay to the city treasury all moneys that he may have collected for such rents, taking duplicate receipts therefor, one of which shall be delivered to the city auditor, and he shall charge the treasurer with all sums paid over by him. And he shall, at the end of each fiscal quarter report to the council the amount so collected and paid over by him for all rents and all licenses issued by him during such quarter.

Sec. 12. *Minutes, Council Proceedings.*—The clerk shall enter upon the records all council proceedings and an accurate statement of all bills and accounts, allowed against the city.

Sec. 13. *Bonds for Dram Shops.*—It shall be the duty of the city clerk to write and deliver all bonds that may be required for dram shops, and billiard tables, and shall issue all licenses ordered or granted by the city council, and for writing same he shall collect the sum of fifty cents each and account therefor in his settlements with the council.

Sec. 14. *Salary.*—The city clerk shall receive an annual salary of four hundred and eighty dollars, payable monthly, which shall be in full compensation for all services performed of whatever kind.

CHAPTER VII.

City Treasurer.

Section 1. *Ex Officio Collector.*—The city treasurer, by virtue of his office, shall be city collector of taxes, general

and special license and revenues of the city, and be subject to the liabilities prescribed by this ordinance.

Sec. 2. *Bond*.—The city treasurer shall, previous to receiving his commission, enter into a bond to the city of Chilli-cothe, in the sum of not less than Twenty Thousand Dollars, with at least four sufficient securities, who shall be resident householders of the city, to be approved by the city council, conditioned for the faithful discharge of his duties; and also to keep, hold and pay over on the warrant of the city auditor, legally drawn, in accordance with the order of the council, or to his successor duly elected and qualified, and not otherwise, any and all moneys of the city treasurer.

Sec. 3. *Duties*.—The duties of the city treasurer shall be as follows:

First,. To receive and receipt for, on behalf of the city, all moneys, that may come to his hands as treasurer or collector of said city, and in like manner to receive and cancel all warrants that may come to his hands, as such treasurer.

Second, To keep and preserve all moneys and warrants that may so come into his hands, and not to use or dispose of any such moneys or warrants, except as directed by ordinance.

Third, To pay over out of any moneys in his hands, subject to any appropriation, such sums as he may be directed by ordinance to pay, or upon warrants lawfully drawn upon him in accordance with any ordinance appropriating such sum to the holder of the warrant.

Fourth, To return all warrants so received and cancelled, as vouchers in his settlement with the city council.

Fifth, To keep accurate and correct books of accounts, showing the amount received by him on behalf of the city, and all amounts paid out by him on behalf of the city, and showing also the fund on account of which the same is received or paid out, and the several amounts paid into the treasury by the several officers of the city.

Sixth, To make full reports to the council at the end of each fiscal quarter of all moneys in his hands at the commencement of the period embraced in such reports, and of amount received by him or paid out during such period, and of the amount remaining in his hands at the end of such period, and also such further reports as may be required of him by the council.

Sec. 4. *May be Suspended by Mayor*.—If at any time it shall appear that the treasurer has failed to fulfill any of

the duties imposed upon him, the mayor may immediately suspend him from office; and it shall be the duty of the mayor to notify the council thereof immediately and the city council shall fix a time for hearing said charge, and if the treasurer shall be found guilty it shall be the duty of the council to remove him from office.

Sec. 5. *May Protest Warrants.*—Whenever any warrant drawn upon the treasurer, and which, according to the terms thereof, is due and payable, shall be presented to the treasurer for payment, and there shall be no funds in his hands to pay the same, the treasurer shall note the fact of presentment and the date thereof on the back of such warrant, and such warrant shall bear interest from the date of such presentment at the rate of six per cent per annum, unless otherwise provided by ordinance.

Sec. 6. *Collect Licenses.*—It shall be his duty to collect all licenses placed in his hands for collection, and all fees that may be chargeable upon such licenses, and account for the same in his settlement with the city council and to cause all persons pursuing any calling or business, for which a license is required, to take out the same, and upon failure to do so, report such person or persons to the city attorney and cause such person or persons to be prosecuted.

Sec. 7. *Register Licenses Collected.*—The city treasurer shall collect all licenses, and shall keep a register of all licenses collected, and the date of the expiration thereof.

Sec. 8. *Salary.*—The city treasurer shall receive an annual salary of seven hundred twenty dollars, payable monthly, which shall be in full compensation of all services performed of whatever kind for the city.

CHAPTER VIII.

City Auditor.

Section 1. *General Accountant of the City.*—That it shall be the duty of the city auditor in addition to the duties imposed upon him by the city charter: 1. To be the general accountant of the city, and as such to receive and preserve in his office all city accounts, books, vouchers, documents and any papers relating to the accounts and contracts of the city; its revenue, debt, and fiscal affairs, whether said accounts are between the city and any officer thereof, or said accounts and contracts are between the city and any person or body corpor-

ate, except where said books, vouchers or documents are by charter or ordinance, placed in the custody of some other office.

Sec. 2. *Day-Book, Journal and Ledger.*—To keep a day-book, journal and ledger, in which the accounts of the city shall be kept. The city shall be represented in said books by the term “city revenue,” and all moneys coming into the city treasury shall be entered upon the debit side of the “city revenue” account, with sources specified from which said revenue is derived and all appropriations shall be entered upon the “credit side” of said account, with object stated for which each appropriation is made.

Sec. 3. *Account Between City and Officers.*—To keep in proper books, the accounts between the city and all officers charged with the collection of any moneys, or into whose hands any money belonging to the city shall come, from what source derived and on what account paid.

Sec. 4. *Record of Warrants.*—To keep a record of all warrants drawn upon the city treasurer, specifying the number, date, amount, and to whom payable, date of payment, and to whom paid.

Sec. 5. *Audit Accounts.*—To examine, audit and adjust all accounts and claims against the city, where the claim does not exceed fifty dollars, and all demands shall, on being examined and approved by the auditor, be submitted to the city council for allowance, and when allowed to be paid as other demands.

Sec. 6. *Monthly Report.*—To report to the city council at each monthly meeting the amount of all claims audited and allowed by him, giving the name of each party having a claim, nature of the same and amount, and in like manner all claims over fifty dollars, and stating the amount necessary to pay the demands presented for payment against the city to date.

Sec. 7. *Draw Warrants.*—When the city council shall have appropriated the sum necessary to pay all the demands and accounts as named in section 6, the city auditor shall draw his warrant upon the city treasurer in favor of each claimant for the amount allowed.

Sec. 8. *Balance Accounts.*—At the end of each quarter, the city auditor shall balance the accounts kept by him and make a full statement thereof and file the same with the city council for their approval, and shall also make monthly

reports to the city council of the amount of all warrants outstanding against the city on account of each separate fund, and showing also the balance on his books in favor or against the city, in account with the several officers of the city.

Sec. 9. *Bond*.—The city auditor shall give bond before entering upon the duties of his office in the sum of one thousand dollars, with security to be approved by the city council and he shall have the power to purchase all the books and other articles required for his office, to be paid for as other demands against the city.

Sec. 10. *Claims Not Allowed*.—If any claim against the city shall be presented to the city auditor and not allowed or approved by him, the claimant shall have the right to present the claim to the city council, and if allowed by the council shall be paid as other claims.

Sec. 11. *Make Tax Books*.—He shall make out current, back tax and consolidated back tax books, and keep a full and accurate account of all bonds, bills and notes owned by or payable to the city.

Sec. 12. *Salary*.—The city auditor shall receive a salary of four hundred dollars per year in full for all services rendered, payable as follows: Twenty Dollars at the end of each month, and one hundred dollars when the current taxes are extended and the tax books accepted by the treasurer, and sixty dollars when the tax books are made out, accepted and receipted for by the treasurer. No additional compensation shall be allowed for making out the consolidated real estate back tax book.

CHAPTER IX.

City Assessor.

Section 1. *Oath*.—It shall be the duty of the assessor before entering upon the duties of his office, to take and subscribe the following oath or affirmation:

Oath of Office.

State of Missouri, County of Livingston, ss.
County of Livingston,

I, A. B., resident of the city of Chillicothe, do solemnly swear, (or affirm, as the case may be), that I will, to the best of my skill and ability, diligently and faithfully, without partiality or prejudice, discharged the duties of assessor in

and for the city of Chillicothe, according to the ordinances of said city and the constitution and laws of the state of Missouri.

Subscribed and sworn to before me this.....day of....., 190..

Sec. 2. *Duties.*—It shall be the duty of the city assessor, to make and return to the city council a full and complete assessment of all property, real and personal, in the city on the first day of January of each year, and not exempt from municipal taxation, and to do and perform such other duties in the manner and at the time as required by law.

Sec. 3. *Salary.*—The city assessor shall receive an annual salary of two hundred fifty dollars, payable when the annual assessment of real and personal property has been made, and the assessor's books accepted and confirmed by the council.

CHAPTER X.

City Engineer.

Section 1. *Qualifications.*—The city engineer shall be skilled in the science of civil engineering and building and the practical applicability thereof, and shall be required to take the oath of office required by other city officers, with the addition that he is not, and will not during his continuance in office, be directly or indirectly concerned or interested in any contract made with this city for any public work, or in the hire of any person or teams employed by the city.

Sec. 2. *Duties.*—It shall be the duty of the city engineer to superintend the opening, improvement and repairing of the streets; to record all surveys, plats and maps in a record of surveys kept by him for that purpose; to preserve in his office all maps, plans and surveys of the city, and all records, books, papers and other things relating thereto; to make all plans and estimates for all city improvements constructed by or under the authority of the city, and to do all other lawful acts relating to matters particularly under his charge, and which may be necessary for the efficient working of his department.

Sec. 3. *Information Concerning the Grades of Streets.*—The city engineer shall furnish the necessary information for ascertaining the grades of streets where persons desire to lay down sidewalks, provided the grades of such streets are established by ordinance.

Sec. 4. *Salary*.—The city engineer shall receive for his services the sum of seventy-five dollars per month, to be paid at the end of each and every month. (New Section.) Passed and approved 27th day of July, 1907.

Sec. 5. *City Engineer*.—*Ex Officio Street and Sidewalk Commissioner*.—The city engineer is hereby made ex officio street and sidewalk commissioner and shall, after the passage of this ordinance, perform all the duties of said office as set forth in Chapter 11, of Ordinance No. 5, entitled "Street and Sidewalk Commissioner" and shall do and perform all duties required of the street and sidewalk commissioner by any of the ordinances of the city, and shall give bond in like amount as required by the street commissioner, and shall serve without any further compensation other than that received as city engineer. (New Section.)

Passed and approved the 12th day of April, 1909.

CHAPTER XI.

Street and Sidewalk Commissioner.

Section 1. *Bond*.—The street and sidewalk commissioner shall, within fifteen days after his appointment and before entering upon the discharge of the duties of his office, give bond to the city in the sum of one thousand dollars with two or more sureties, residents of Livingston County, Missouri, to be approved by the mayor and council, conditioned for the faithful performance of his duties, under the laws and ordinances of this city; that he will pay over all moneys belonging to the city, as provided by law, that may come into his hands, and that he will deliver to his successor in office, all tools and other property of the city, in his hands; which bond shall be filed with the city clerk.

Sec. 2. *Inventory*.—The street and sidewalk commissioner shall, upon entering upon the discharge of the duties of his office, make out an inventory of all tools, implements of any kind belonging to the city, and return the same to the city clerk within ten days, and shall be responsible upon his official bond for the loss of any of said tools or implements, while he continues in office, and until he turns them over to his successor in office.

Sec. 3. *Under Control of Council*.—The street and sidewalk commissioner shall be under the control of the city council and shall, by and with the approval and consent of said

council, employ such laborers, mechanics, wagons, carts or teams and purchase such material and tools as, from time to time, may be necessary in the proper discharge of his duties.

Sec. 4. *Duties.*—That the street and sidewalk commissioner shall have and possess all the rights, powers, duties and obligations heretofore resting upon the city marshal by virtue of him being street commissioner or in any manner pertaining to the office of street commissioner and said right, power, duties and obligations shall in all particulars devolve upon and be performed by the street and sidewalk commissioner and it shall be his duty as such:

First, To execute all orders directed to him by the council.

Second, To observe and report all obstructions found in any street, lane, alley or sidewalk within the corporate limits.

Third, To report to the city attorney, for prosecution, the names of persons obstructing or injuring any street, lane, alley or sidewalk, with the facts of his own knowledge, and the names of the witnesses by whom he thinks the facts can be established.

Fourth, To repair at the expense of the owners, or cause the owners of property fronting on the sidewalks to repair the same at their own expense; and also he shall cause all sidewalks to be kept free of obstructions.

Sec. 5. *Supervision Over Streets.*—To report to the city council, the condition, estimates of cost to repair, or any other information relative to any street, alley or lane when required; to receive and grant discharge therefor, for any fines, forfeitures, damages or equivalent for repairs of streets, roads, alleys, avenues or sidewalks, by consent of the city council, and finally to have general supervision over all the streets, lanes, alleys, avenues, sidewalks, bridges and gutterings within the city limits, and all work done thereon.

Sec. 6. *Monthly Reports.*—He shall make monthly reports to the city council in detail, of all sums of money, labor or equivalent, by him received for fines or repairs, and his expenditure for repairs on each street, alley, sidewalk, bridge, gutter or sewer, and other disbursements under order or necessary, on account of the city.

Sec. 7. *Not to be Interested in Contract.*—The street and sidewalk commissioner shall not, during his term of office, be directly or indirectly concerned or interested in any

contract made with the city for any public work or in the hire of any men or teams employed by the city.

Sec. 8. *Work Prisoners.*—It shall be the duty of the street and sidewalk commissioner whenever any person is convicted of any breach of the city ordinances and shall be committed to the city prison or workhouse, for the non-payment of any fine or cost imposed, or either of them, to cause such person to labor upon any of the public works of the city, or upon the streets thereof, allowing him for such labor the sum of one dollar for each day's labor performed, committing such person to the city prison at night, and to hold and cause such person to labor until the full amount of such fine and costs shall thus be paid; PROVIDED, that nothing herein contained shall authorize the street and sidewalk commissioner to detain in custody such person for a longer number of days than one day for each dollar of the fine and cost thus imposed; when the street and sidewalk commissioner shall discharge such person; and to certify to the police judge the full payment of such fine and costs. And for the safe-keeping of any person working as aforesaid, the street and sidewalk commissioner may secure such person while so working with ball and chain.

Sec. 9. *Wages to be Paid for Labor.*—The wages to be paid by the city, for the labor of men and teams in the employ of the city or street commissioner, with the approval and consent of the council, shall, so near as may be, conform to the current rate of wages in the city paid for similar services at the time, by other parties.

Sec. 10. *Salary.*—The street and sidewalk commissioner shall receive for his services six hundred dollars a year, payable monthly, as other salaries.

CHAPTER XII.

General Provisions Applicable to City Officers.

Section 1. *Offices in City Hall.*—All city officers shall maintain an office at the city hall building, as may be designated by the city council, or provided by ordinances, and it shall be the duty of each officer to keep regular office hours, which hours shall be equally divided between the forenoon and afternoon, of each week day, and each and every officer shall personally devote his time to the performance of the duties thereto belonging.

Sec. 2. *May be Removed from Office, How.*—Any officer of the city, may be removed from office by a two-thirds vote of the members of the city council for incompetency or any dereliction or violation of duty, on the complaint in writing of any inhabitant of the city, or whenever the council shall think the interests of the city require such removal, and if any member of the city council shall be guilty of disorderly conduct, he shall be expelled; PROVIDED, however, that no such officer shall be removed or expelled under the provisions of this section until he shall have had six days' notice of, and a copy of the charges preferred against him served on him by the city constable, and an opportunity given to exculpate himself before the city council.

CHAPTER XIII.

City Weighmaster.

Section 1. *Chief Driver to be Ex-Officio Weighmaster.*—Until otherwise provided by ordinance, the chief driver of the fire department shall be ex-officio city weighmaster, and shall do and perform all the duties of such office by virtue of the provisions of this ordinance.

Sec. 2. *Duties of, as Such.*—It shall be the duty of the city weighmaster to take charge of and keep in good order and condition, the public scales and the weights and measures belonging to the city, and cause the accuracy of the scales to be tested once in every three months. He shall be in attendance at the public scales and shall weigh all kinds of stock, horses, mules, cattle, hogs, sheep and other animals, which are practicable for him to weigh. Also every load of hay, coal, corn, oats, wheat, or other substance or thing which may be presented to him to be weighed, a certificate containing the name of the person, the date of weighing, and name and gross and net weight, and to whom to be delivered, over his official signature. And shall keep a duplicate of such certificate in a book to be provided for that purpose, and if any articles are weighed in a wagon the weight of the wagon, both loaded and light, shall be given together with the weight of the articles weighed.

Sec. 3. *Collections and Monthly Reports.*—The city weighmaster shall collect for the city the sum of ten cents for each load of grain, hay, coal, or other article, of which he shall ascertain the net weight and shall keep a true and correct

account of all fees so received by him. On the first Monday in each month, he shall make and file with the city treasurer, a statement, under oath, of the number of certificates of weights issued by him during the month prior thereto. And on the first Monday in each month, he shall pay to the city treasurer, all moneys collected by him as city weighmaster, and shall take duplicate receipts therefor, one of which he shall file with the city auditor.

CHAPTER XIV.

Fire Department.

Section 1. *Creating Fire Department.*—That there is hereby created and established a fire department for the city of Chillicothe, Missouri, which said fire department shall consist of nine (9) hosemen, who shall be appointed by the mayor and city council and whose appointment may be revoked at any time; one of whose number shall be appointed by the mayor and city council as chief engineer and one assistant engineer.

Sec. 2. *Appointments.*—The chief and assistant engineer shall be appointed at the first meeting of the city council, after the general election, or as soon thereafter as practicable, but shall not enter upon the discharge of their official duties until they have taken and subscribed an oath before the city clerk well and truly to perform the duties of their said offices; and they shall hold their offices for two years, and until their successors are appointed and qualified, unless sooner removed.

Sec. 3. *Appoint Chief and Assistants.*—The chief driver and assistant drivers shall be appointed by the mayor and city council, who may be removed at any time.

Sec. 4. *Vacancy, How Filled.*—In case of a vacancy in the number of hosemen such vacancy shall be filled by the mayor and city council.

Sec. 5. *Department Under Control of Chief Engineer.*—The whole fire department of the city shall be under the command and control of the chief engineer. He shall exercise a constant supervision over it, and shall have the general charge of the property of the city connected therewith, and shall see that the same is always kept in good repair and ready for use. He shall attend all the fires which may occur in the city, as far as practicable, and all orders given by him to any

company of firemen shall be promptly obeyed.

Sec. 6. *Duties of Assistant Engineer.*—The duties of the chief engineer shall, in his absence or inability to act, be performed by the assistant engineer.

Sec. 7. *Duties of Chief Driver and Assistant Drivers.*—The chief driver, assistant drivers shall be men skilled in the care and management of horses, and it shall be their duty to take care of, groom, feed and water the horses belonging to the fire department, and to drive the team attached to the hose wagon to and from all fires and alarms of fires, and generally to do and perform all such work and labor as pertain to the management, care and safe-keeping of the horses, harness and other apparatus entrusted to them, and perform any other duty required by the chief engineer of the fire department.

Sec. 8. *Qualifications of Members.*—No person shall be appointed or employed as a member of the fire department who is not over twenty-one and under fifty years of age, a citizen of the United States and a legal voter of the city.

Sec. 9. *Meetings of.*—The whole fire department shall meet on the second Friday of each month, and at such other times as they may be called together by the chief engineer.

Sec. 10. *Drilling of.*—Said fire company shall drill regularly once per month, and the chief shall report in writing to the city council at its first regular meeting in each month the names of all members who have attended fires, false alarms or drills for the past month, and absence by any member for three consecutive drills may work a forfeiture of such membership.

Sec. 11. *Salaries.*—The members of the fire department shall, as compensation for their services, be paid as follows: The chief, assistant chief and hosemen shall receive one dollar (\$1.00) for any fire at which they may be present and working between the hours of 6 o'clock a. m., and 9 o'clock p. m.; and two dollars (\$2.00) for any fire at which they may be present and working between the hours of 9 o'clock p. m., and 6 o'clock a. m.; and for every false alarm of fire each member in actual attendance shall be entitled to fifty (50) cents.

Sec. 12. *Roll Call.*—The chief of the fire department, or in his absence the other officer in command, shall, after the return of the company from a fire, institute a roll call to ascertain what members of the company are present and who were actually engaged at any fire, and such officer, or whoever may

be in command, shall report the names of the members so engaged to the mayor and city council as having done actual service at such fire, who shall be paid as is provided in the preceding sections; provided, however, that firemen who put in their appearance after the extinguishment of any fire, but who assist in the labor of reeling up the hose and getting all the equipments transferred to headquarters and there placed in order, shall receive but one-half the amount allowed those having rendered full service on the occasion of any fire.

Sec. 13. *Alarm, Report to Chief Engineer.*—On an alarm of fire the company shall report themselves promptly to the chief engineer, and shall, under his direction, proceed with the hose-wagon, or other apparatus, to the fire, and remain on duty so long as their services are required, and until dismissed by the officers in command.

Sec. 14. *May Take Water From Any Well.*—When a fire shall occur in any part of the city it shall be lawful to take water from any well or cistern for the purpose of extinguishing fire or for the purpose of protecting any building or buildings by such fire endangered, notwithstanding the objection of the owner, proprietor or tenant in possession of such well or cistern.

Sec. 15. *May Tear Down Or Blow Up Buildings.*—The fire department shall have power to tear down or blow up any building or buildings, when in the judgment of the chief and assistant engineers (or either of them in the absence of the other) the same is actually necessary to prevent the spreading of the fire.

Sec. 16. *Police Force.*—The chief and assistant engineers shall have the same police powers at all fires as the city constable of the city, and may command such assistance from the by-standers and inhabitants of the city for the suppression and extinguishing of fires as may be required; they shall have power to order any company, firemen or any person away from the neighborhood of the fire.

Sec. 17. *Right of Way.*—All fire apparatus shall have the right of way upon any street, avenue or highway in going to any alarm of fire.

Sec. 18. *Not to Run Over Hose.*—In order to prevent injury to hose from passing vehicles when necessarily laid across any street or alley, it shall be the duty of the driver of any such vehicles to drive around the hose, or if that cannot be done, then said driver shall turn his vehicle around and pro-

ceed over some street or alley across which no hose is laid.

Sec. 19. *Department May Adopt By-Laws.*—The department may adopt such constitution, by-laws and regulations for government, subordinate to the ordinances of the city, that they may deem best calculated for the perfecting and preserving the organization of any effective fire department, and to this end shall hold regular monthly meetings, the one occurring in July to be the annual meeting, at which they shall choose from among their own number a president, vice-president, secretary and such other officers as may require, in accordance with their constitution; provided, however, the constitution, by-laws and regulations for the government of the fire department which may be adopted by them shall be just and reasonable and have in view the best good of the department, but such constitution, by-laws and regulations shall not go into effect nor the members of the department be bound thereby until first approved by the council.

Sec. 20. *Members Exempt From Poll Taxes or Jury Services.*—The firemen, chief driver and assistant drivers during their services as such, shall be exempt from all street and poll tax, and from all jury service.

Sec. 21. *Secretary to Furnish Assessor List of Members.*—The secretary of the fire department shall furnish the city assessor a list of the members exempt by this ordinance from paying a poll tax.

Sec. 22. *Chief to Make Purchases.*—All purchases made for the use of the fire department shall be made by the chief and assistant engineer, with the consent of the city council, and said engineers shall certify to all bills of whatsoever nature against said department before the same shall be paid by the city.

Sec. 23. *Intoxicating Liquor Not Allowed in Engine House.*—No spirituous liquors shall be allowed in the engine house, and any member drinking any such liquor in an engine house, or who shall be intoxicated in or about the same, or at any fire, may, upon complaint and satisfactory evidence thereof, be discharged by the mayor.

Sec. 24. *Disorderly Conduct Not Allowed in Engine House.*—No person shall tittle, riot, or be guilty of any disorderly conduct in or about any fire engine house. Complaints for a violation of the provisions of this ordinance shall be made in writing to the chief engineer, who shall investigate the same, and report in writing, with his opinion, to the mayor,

who is hereby authorized to remove any member for cause.

Sec. 25. *Loafing Not Allowed in Engine House.*—Persons not members of the fire department are forbidden to meet or loiter around the engine houses or other houses used by the department. Men on duty at such houses who allow the same shall be subject to dismissal.

Sec. 26. *Property of.*—All property of the fire department and uniforms of the members thereof shall remain the property of the city of Chillicothe.

Sec. 27. *Chief and Assistant Chief, Salary of.*—The chief of the fire department shall receive the sum of fifty (50.00) dollars per year and the assistant chief the sum of twenty-five (25) dollars per year. The chief driver shall receive the sum of fifty (50) dollars per month. The first assistant driver of the hose wagon the sum of forty-five (45) dollars per month. The second assistant driver shall receive the sum of forty (40) dollars per month. The chief and assistant chief of the fire department and firemen shall receive such further compensation as provided by ordinance.

(New section. Passed and approved the 7th day of October, 1907.)

CHAPTER XV.

Health Department.

Section 1. *Appointment of.*—That the city council shall at their first business meeting after their election appoint a health officer, possessing the qualifications as named in Section 1, of Article VII, of the city charter, who shall hold his office for the term of two years, and until his successor is appointed.

Sec. 2. *Establish Board of Health.*—The city council shall, at the same time, establish a board of health by the appointment of three physicians possessing the qualifications named in Section 2, of Article VII, of the city charter, who shall hold their offices for two years, and until their successors are appointed.

Sec. 3. *City Clerk to Notify.*—It shall be the duty of the city clerk to notify immediately the health officer of his appointment, giving the names of the members of the board of health appointed by the city council. The health officer shall, after receiving said notice, notify the members appointed by the city council as a board of health, of their appointments,

and naming a day and place for the meeting for perfecting an organization.

Sec. 4. *President and Clerk.*—The health officer shall be president of said board; said board at its first meeting as aforesaid, shall elect a clerk, who is not a member of the board, and who is qualified as provided by the city charter. The said clerk shall attend all meetings of the board, record all its proceedings, keep a strict account of the expenses and do and perform such other duties as may be required of him by said board. All expense accounts shall be signed by the president of the board and certified by the clerk, before the presentation to the council for payment. A majority of said board shall constitute a quorum to do business, and shall meet twice a month between April 1 and November 1, and oftener if necessary, at the call of the president.

Sec. 5. *General Supervision Over Public Health.*—The board shall have general supervision over the public health, and within the quarantine jurisdiction of the city, the board shall see that all laws and regulations pertaining to the public health and sanitary condition of the city are enforced.

Sec. 6. *Physician for City Hospital.*—The board may appoint a resident physician for the city hospital and pest house, and select all officers for the said board, as well as for the city hospital and pest house, that may be necessary, and appoint guards when necessary for the city hospital, pest house and quarantine, and the city council shall fix their compensation.

Sec. 7. *Sanitary Inspector.*—The said board may appoint one or more sanitary inspectors, who shall have authority to enter into any house or building, lots or place of every description, in the day time, within the city, and within the quarantine jurisdiction of the city and examine into the sanitary condition thereof, and report the same to the board of health. The board shall give all such directions and adopt all measures necessary for the cleansing and purifying of such buildings, lots and other places, and to do and cause to be done everything which in its opinion shall be deemed necessary. Every person who shall disobey any order of the board of health which shall have been personally served upon him, to abate or remove any nuisance in the manner at the time prescribed in the order, shall, on conviction thereof, be punished for each offense by a fine not exceeding five hundred (500) dollars, or imprisonment not exceeding thirty (30) days, or

both such fine and imprisonment.

Sec. 8. *Abatement of Nuisances.*—It shall be lawful for the board of health, in all cases, when it may be deemed necessary for the more speedy execution of its orders, to cause any such nuisance or nuisances to be abated or removed at the expense of the city, and to cause such nuisance or nuisances which may exist upon the property of non-resident owners, or where the owners of such property cannot be found, or are unknown and cannot be ascertained, to cause any such nuisances to be removed in like manner, at the expense of the city, and the sum or sums so expended in the abatement or removal of such nuisances in such cases with lawful interest thereon, shall be an incumbrance, as any tax upon real estate, upon the lots or premises from or upon which said nuisances shall be abated or removed, and payment thereof may be enforced in like manner as other taxes upon real estate authorized to be levied by the city.

Sec. 9. *Fence Up Streets.*—It shall be the duty of the board of health to cause any avenue, street or alley, or other passage whatever, to be fenced up or otherwise enclosed, if it thinks that the public safety requires it, and to adopt suitable measures to prevent all persons from going to any part of the city so enclosed, except by authority; by resolution to direct any bedding, clothing, putrid or unsound beef, pork, fish, hides or skins of any kind, or any other articles found within the city and which in its opinion shall be dangerous to the inhabitants thereof, to be destroyed in such manner as it may direct; and it may employ such persons as it may deem proper, to remove or destroy such articles; and any person who shall in any manner resist or hinder any person so employed, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred (100) dollars or imprisonment not exceeding thirty (30) days, or both, and all such fines, when collected, shall be paid into the city treasury; to procure suitable places for the reception of persons sick of any pestilential, infectious or contagious diseases, and in all cases, when sick persons cannot otherwise be provided for, to procure for them medicine, medical and other proper attendance and provisions, to forbid and prevent all communication with the house or family infected with any contagious, infectious and pestilential disease, except by means of physicians, nurses and messengers, to carry the necessary advice, medicines and provisions to the afflicted; to publish

from time to time all such regulations as it shall make, in such manner as to secure early and full publicity thereto.

Sec. 10. *Powers of.*—The board of health, during the prevalence of Asiatic cholera, or any epidemic, contagious or infectious disease, shall have full power and authority, when said board shall deem it necessary, to take possession of, and occupy, either for temporary hospitals, for the treatment and care of persons suffering from any such disease, or for the purpose of detaining therein all persons who have been exposed to such disease, any suitable building or buildings in the city, and shall have the power to properly furnish, equip, guard, supply and care for the same for such purposes; but the city of Chillicothe shall pay for private property so taken, a just compensation for the same, and shall pay for all furnishings, supplies and equipments, guards and other necessities furnished the same. And in all cases of epidemic, contagious or infectious diseases in the city, when the said board shall deem it necessary for the safety of the public health, said board shall have the power, by an order duly entered upon the records of such board, to arrest and detain in any such hospitals all persons suffering from any such disease, or who may have been exposed thereto, until such time as such persons may, in the judgment of the board, be released with safety to the health of the public. And when the safety of the public health shall require, said board shall have full power and authority to establish and maintain quarantine and quarantine districts, and confine therein all persons who have been exposed to any such disease; to require all persons attending any school, college, academy or conservatory, public or private, within the said city, as a condition precedent to their right to attend the same, to observe such precautions and take such steps to prevent the spread of such disease as the board may require; to forbid the assembling together in all public manner of all persons whomsoever, unless under such precautions and restrictions as the board may have previously required; and such board shall have the further power to make all other reasonable rules, orders, regulations and requirements as the nature of the disease, the emergencies of the case, and the safety of the public may require. It shall be the duty of all persons within the city to obey all orders so made by said board of health, from the time of receiving notice of the same, whether such notice be actually conveyed in person or be made by publication. And any person refusing to obey any such

order or requirement so made by said board, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than five dollars nor more than two hundred dollars. It shall be the duty of the city constable and the city police to enforce all such orders and regulations of the said board as far as in their power lies, when so ordered by the board or its president.

Sec. 11. *Complaint, How Made.*—It shall be the duty of the board of health, on complaint being made to it, on the affidavit of some credible person, or whenever it shall deem any business, trade or profession carried on by any person or persons or corporations within the sanitary jurisdiction of the city, detrimental to the public health, to notify such person or persons or corporations, to show cause before the board of health at a time and place to be specified in such notice, why the same should not be discontinued or removed, which notice shall be a notice of not less than three days; except in cases of epidemic and pestilence, the board of health may, by a general order, direct a shorter time, not less than twenty-four hours, and it may be served by leaving the same at place of business or residence of the parties to be affected thereby. Cause may be shown by affidavit and if in the opinion of the board of health no good and sufficient cause be shown why the same should not be discontinued or removed, the board shall order the said parties to discontinue or remove the same within such time as the board may deem necessary, and the order of the board shall be final and conclusive therein.

Sec. 12. *Nuisances, Entered on Proper Book.*—The board shall keep a book in which all complaints of nuisances shall be entered. When complaint is made by any person of any nuisance the same shall be entered in said book, giving a full statement of all the facts in relation thereto, and shall be signed by the party making the complaint. The board, after complaint is entered, shall immediately investigate such charge, and if found to be true shall declare the object, filth or matter complained of to be a nuisance, and shall make a record of the same and shall at the same time make an order requiring the person or corporation to remove or abate such nuisance within such time as the board may in its discretion determine. The board shall at once cause the clerk to make out two copies of such order and deliver them to the city constable or any sanitary inspector, who shall serve the same on the person or corporation named by leaving one of said copies with such person

or corporation and return the other to the clerk with his return stating when and how served, and the clerk shall file the same. If the person or corporation named in such order and notice shall fail or refuse to abate or remove such nuisance before or at the expiration of the time named therein, then such person or corporation shall be prosecuted before the police judge for maintaining such nuisance, and on conviction may be punished as provided in Section seven of this ordinance. It is hereby made the duty of the sanitary inspector or city constable who serves such order and notice to notify the president of the board of health at the expiration of the time named in the order and notice as to whether the same has been complied with: If the nuisance has not been removed or abated, or if the person or corporation refuses to comply with such notice and order, then it shall be the duty of the president of the board to cause the clerk to deliver the notice and order on file in his office to the city attorney, whose duty it shall be to file an information against such person or corporation for the maintenance of such nuisance. It shall be the duty of the president of the board to aid in the prosecution of all such cases by giving to the attorney the names of all necessary witnesses and to furnish all evidence that the board of health may be in possession of against the person or corporation. In case the order and notice named in this section cannot be personally served or where the person or corporation is a non-resident, then the board shall proceed as directed by Section eight of this ordinance.

Sec. 13. *Notices, How Signed and Served.*—All orders and notices under this ordinance shall be signed by the president of the board of health, attested by the clerk, and may be served by the city constable or any sanitary inspector.

Sec. 14. *Not to Affect Other Powers.*—Nothing in this ordinance shall affect the rights and authority of the city officers nor the jurisdiction of the police court in any proceedings under any other ordinance of the city pertaining to nuisances. But all actions shall when instituted under such ordinances be proceeded with as therein directed, and any violation of the provisions of such ordinances by any person or corporation shall be controlled by the ordinance violated under which the proceeding is first instituted.

Sec. 15. *Persons Coming From Other Places, Where Any Infectious Disease May Be Raging.*—If the board of

health at any time shall have knowledge that any person is in this city who may recently have come from any city, town or place where any infectious disease may be raging as an epidemic, and in the judgment of the board there may be danger that such person may have been exposed to such disease before coming to this city, it shall be the duty of the board to immediately examine into the matter. After such matter has been inquired into and the board shall be of the opinion that there may be danger that such person may communicate the disease to the people of this city or any of them, then the board shall take such action and use such precaution as the circumstances of the case seem to justify.

Sec. 16. *Physician to Report to Secretary.*—That every physician doing professional business within the limits of the city, shall within twenty-four hours after he shall have first visited a patient, who is, or whom he may believe to be afflicted with, or exposed to by any pestilential, contagious or infectious disease, report the same to the secretary of the board of health of the city, or the mayor.

Sec. 17. *Physician to Report Deaths to Secretary.*—It shall be the duty of each practicing physician to report to the secretary of the board of health, the death of every patient upon whom he may have been attending, within twenty-four hours after such death shall occur, together with the name, age, sex, color, and birth place of such patient, and the specific type or nature of the disease, or cause of such death.

Sec. 18. *Duty of Mid-Wife.*—It shall be the duty of every physician and mid-wife to report to the secretary of the board of health of this city on the first day of every month, in accordance with the printed forms to be furnished by the clerk, a statement of the sex and date of birth, and the names of the parents of every child born in this city during the month next preceding said report; and in case no physician or mid-wife attended at the birth of any child born in this city it is hereby made the duty of the father and mother to make such report to the clerk of the board of health.

Sec. 19. *Penalty.*—Any practicing physician who shall neglect or refuse to perform the duties required of him by the provisions of the three preceding sections, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than one not more than twenty-five dollars.

Sec. 20. *Salary of Health Officer.*—The health officer shall receive as full compensation for his services an annual salary of one hundred dollars payable quarterly.

Passed and approved the 10th day of December, 1906.

Sec. 21. *Salary of Members.*—Each member of the board of health, except the health officer, shall receive for his services as a member of the board, the sum of one dollar and fifty cents for each meeting of the board of health at which he is present, to be paid at the end of each fiscal quarter. The clerk of the board of health shall receive for his services the sum of two dollars for each meeting of the board at which he is present, to be paid at the end of each fiscal quarter. It shall be the duty of the clerk at the end of each fiscal quarter to certify to the city auditor the number of meetings held by the board during the last fiscal quarter, giving the name of each member attending such meetings, including the health officer and the clerk, and the amount due each which said several sums shall be audited and reported by the auditor to the city council for allowance at the next regular meeting thereof.

(New section. Passed and approved the 27th day of July, 1907.)

ORDINANCE No. 6.

An Ordinance in Relation to City Revenue.

Section 1. *Object of Taxation.*—Be it ordained by the mayor and city council of the city of Chillicothe, Missouri, for the support of the city government and the advancement of its interests there shall be levied annually a tax for general purposes not exceeding fifty cents on one hundred dollars assessed valuation thereof on all property, real, personal and mixed, within the city limits subject to taxation for state and county purposes, and a poll tax of one dollar and fifty cents upon all the male citizens over the age of twenty-one and under fifty years, and tax for special purposes as are prescribed by ordinance.

Sec. 2. *To Be Assessed at Cash Value.*—All property whatsoever, shall be assessed at its cash value, but real estate shall not have a higher valuation placed thereon than the valuation placed on it for county and state purposes.

Sec. 3. *Personal Property, How Assessed.*—In assessing personal property the assessor shall, as far as possible, visit the residence or place of business of each person owning

personal property and require such person to list all personal property owned, by or in the possession of, or under the control of such person, separating and placing each kind of property in the space designated on such list, first administering an oath to answer all questions touching the personal property or its value. When the list is complete he shall require such person to sign and verify the affidavit thereto. If any person refuse to take said oath, or shall refuse to sign and verify such affidavit, he shall note such refusal on said list, and report in writing, at once, such person to the city attorney for prosecution, as the law directs; and he shall assess such person according to the best information he can get, as provided by law, and to do so he may enter upon the premises of such person and value such property according to his judgment, noting these facts in writing on such lists.

Sec. 4. *Property Exempt From Taxation.*—The following subjects shall be exempt from taxation, to-wit: All property, whether real or personal, belonging to the United States; State of Missouri; County of Livingston; City of Chillicothe; all United States bonds, all school houses, churches, chapels, and other buildings used for the purpose of education or worship, with their furniture and equipments, and the lands appurtenant thereto, and used therewith, so long as the same shall be used for those purposes only; hospitals and cemeteries, when used only for the care of the sick or the interment of the dead; and all property, real and personal, used exclusively for agricultural or horticultural societies.

Sec. 5. *Auditor to Deliver Books for Land Assessment.*—The city auditor shall on or before the first day of January in each year deliver to the assessor a map of the city showing as far as practicable the lots, blocks, outlots, pieces, tracts, additions and subdivisions thereof and cause to be made out and delivered to the city assessor a book, to be known as the land assessment list, containing a list and description of all taxable lots and lands, to be in numerical order as far as practicable. The names of the owners shall be set opposite to their real estate, when known, and when unknown a blank shall be left for the entry thereof by the assessor; and it shall be the duty of the assessor to fill the same with the name of the owner when ascertained. At the close of the land list shall be placed all land which cannot be properly described by their numerical order as lots and blocks, which shall be otherwise briefly described, indicating the quality and location thereof, with

the owner's name alphabetically arranged, opposite thereto, and the assessor may require the owners of such property to furnish him a correct description thereof, and in case of the failure of any such owner to furnish such description at least fifteen days before the time fixed for the return of the assessment, the assessor may require the city engineer to make and return to him a survey of such property, and the expense of such survey shall be returned by the assessor, together with his assessment of the property, and shall be added to the tax to be levied upon the property and collected as part thereof. The owner of an undivided interest in any parcel of land may furnish to the assessor, such parcel, with the amount of his interest therein, and the assessor shall then assess such undivided interest with the name of the owner thereof as a separate parcel; but unless such description and statement is so furnished, the assessor shall not be required to make such separate assessment. The assessor shall number each parcel of land assessed in the order of the same upon the assessment book. If the assessor shall discover that any real or personal property which was subject to taxation for any previous year was not assessed, or for any cause has escaped taxation for such year, it shall be the duty of the assessor in addition to the assessment for the then ensuing year, to assess such property for the year or years in which the same was untaxed.

Sec. 6. *Auditor to Deliver Books for Personal Property.*

—The city auditor shall also, on or before the first day of January in each year, cause to be made out and deliver to the city assessor a separate book, to be known as the personal property list, which shall contain a column for the names of all persons liable to assessment, to be alphabetically arranged, and the assessor shall set opposite their names the personal property respectively owned by them; such personal property list may be in the following form:

First column for:

Horses, mares, colts and geldings, all ages; mules, all ages, neat cattle, all ages, hogs, all ages, and other live stock.

Second column:

Pianos and other musical instruments, clocks, watches, chains and appendages, sewing machines, gold and silver plate, jewelry of all kinds, household and kitchen furniture.

Third column:

Money on hand.

Fourth column:

Money deposited in bank or other safe place.

Fifth column:

All moneys, notes, bonds and other evidences of indebtedness held by me, or in trust under my care and management.

Sixth column:

Aggregate statement of all solvent notes unsecured by mortgages or deeds of trust.

Seventh column:

Aggregate statement of all solvent notes secured by mortgages or deeds of trust.

Eighth column:

Aggregate statement of all solvent bonds, whether state, county, town, city and township, of incorporated or unincorporated companies.

Ninth column:

All bank stock of every description, whether state or national banks, corporate or incorporate.

Tenth column:

All libraries.

Eleventh column:

All goods, wares and merchandise owned by merchants or which they may have in their possession or under their control, whether owned or consigned to them.

Twelfth column:

All other property not above enumerated, including pleasure carriages, wagons, carts, vehicles; shares of stock or interests held in printing presses, type or machinery; tobacco, hemp and cotton factories, tobacco stemmeries, grist mills and all property belonging to manufactories of whatever kind; wool carding machines; post-coaches, carriages, wagons, buggies and vehicles kept for transportation of mails; carriages, hacks, omnibuses and other vehicles kept for transporting persons; painting and statuary.

Thirteenth column:

Total valuation.

Sec. 7. *Return by Assessor.*—It shall be the duty of the city assessor, between the first day of January and the first day of April, of each year, to make and return to the city council a full and complete assessment of all property, real and personal, in such city on the first day of January of such year, and not exempt from municipal taxation, including all goods, wares and merchandise, kept on hand for sale by mer-

chants doing business in said city, also including all property, real, personal or mixed, lands, machine and work-shops, round-houses, ware-houses and other buildings, goods, chattel and office furniture of whatever kind, owned or controlled by any railway company or corporation in the city, as provided and required by Section 9360 Revised Statutes of 1899, also, including, a list in alphabetical order, of the names of all persons in the city on such first day of January, liable to pay a poll-tax. All real estate assessed shall be returned in one book, and all other lists in one book under separate headings. Such books shall be certified by his affidavit thereto, that he has made diligent efforts to discover all the taxable property within the city limits on the first day of January, and that so far as he has been able to ascertain it is correctly set forth in the foregoing books, in the manner and of the value therein stated, according to law.

Sec. 8. *Notice by Assessor.*—The city assessor shall on the second Monday in March of each year, cause to be inserted in six issues of the official paper of the city, the following notice:

“Notice is hereby given that the assessment books of real and personal estate in the city of Chillicothe for the year 19...., have been completed and will be returned to the city council by the assessor on the first Monday in April. All persons feeling themselves aggrieved by the assessments of their property are hereby requested to make or file their objections in the city clerk’s office on or before said date or appear before the city council at said time and the same will be heard.

.....
Assessor.

Sec. 9. *Council to Sit as Court of Equalization.*—The city council at its first meeting in April, shall sit as a court of equalization and all persons feeling themselves aggrieved by the assessment of their property by the city assessor, may appear and make or file their objections to such assessment, which objections shall be disposed of by the court in the summary way and the court shall have power and authority to correct any error that may appear on the assessment books to increase or diminish the assessment of any property on said books, and to add any property omitted to be assessed by the assessor, with the value thereof. The assessor shall also attend upon the sessions of the court and make such correc-

tions on the assessments as may be ordered by the court, such corrections shall not be made by an erasure or interlineation, but be placed in a column opposite original valuation in red ink.

Sec. 10. *Confirmation of Books—Council Make Levy.*—When said books shall have been revised and corrected by the court, the same shall be filed and an order of confirmation entered, which order may be in the following form:

CONFIRMATION OF BOOKS.

“The assessment books of the city of Chillicothe for the year 190—, having been duly made and returned by the assessor, and revised and corrected by the council, after due notice to persons aggrieved thereby, and full hearing of all objections thereto, it is hereby ordered that said books and the several assessments therein contained as, revised and corrected by the city council, be and the same are hereby confirmed.”

The city council shall thereupon, by resolution, levy upon all property described in said books, such sum or sums of money, not exceeding fifty cents on the one hundred dollars, as may be required for any purpose for which they may be authorized to levy tax.

Sec. 11. *Auditor to Extend Taxes—Auditor to Deliver Tax Books, Form of Warrant.*—On the day next after the passage of the resolution levying the taxes for any fiscal year, the city clerk shall deliver to the city auditor, the assessment books for such year, and also a certified copy of such resolution; also, a certified copy of the levy made by the board of education of the city of Chillicothe, for school purposes, levying the taxes for that year; also, on or before the 10th day of August of each year, shall make, certify and deliver to the county court of Livingston County, a copy of such resolution showing the assessment, rate and levy as made by the city council as provided and required by Section 9362 Revised Statutes of 1899. The auditor shall forthwith proceed to extend the taxes for the year in suitable books for that purpose; and shall also extend upon said book against any parcel of real estate returned by the assessor as untaxed for any year or years, the amount of the tax for such year or years, for which the same was untaxed, according to the rate of taxation, as prescribed by resolution for such year. In extending the taxes upon personal property, it shall only be necessary for the auditor to extend the same upon the gross amount as-

sessed against each person. After so extending such taxes, the auditor shall foot up the gross amount of all taxes as shown by the books, upon real estate, the amount of all taxes upon personal property, and poll taxes for the fiscal year, and also the gross amount of all said several kinds of taxes as shown by the books; and also of all taxes for previous years for which property was untaxed, and finally shall foot up the gross amount of all taxes of whatever nature for the fiscal year and prior years, and shall enter such footings in said books in their appropriate places; and shall also make an abstract thereof, at the end of the personal tax book. He shall then append to said book his certificate, to the effect that the taxes therein contained, are truly and correctly extended and entered according to the assessment of the property, the resolution levying the taxes for the fiscal year and all laws and ordinances regulating such entries. The book containing the assessment and taxes upon real estate when so extended and certified shall be entitled and called "Land Tax Book of 19..." and the book containing the assessment and taxes upon personal property, and polls shall be entitled and called "Personal Tax Book of 19..."

The auditor shall on or before the first day of July in each year, deliver the tax book, authenticated by the seal of the city, to the city collector with a warrant which may be in the following form:

WARRANT.

STATE OF MISSOURI, }
County of Livingston, }^{ss}

The people of the state of Missouri, to the collector of the city of Chillicothe, greeting:

Whereas, the city council of the city of Chillicothe, did, on the day of A. D. 19...., levy and assess upon the assessed value for the year 19...., of the real and personal estate hereinbefore described, the several sums set opposite thereto in the appropriate columns respectively (here insert the particular taxes levied) for the municipal year ending

Now, therefore, you are commanded to make, levy and collect the said several sums of money set opposite to the real, personal estate, hereinbefore described, as taxes hereon for the year aforesaid of the goods and chattels of the re-

spective owners of said real and personal estate, and thereof make due return in what manner you shall execute this warrant, on or before the first day of next after this date.

.....
Auditor of the city of Chillicothe.

Witness, this day of 19

.....
City Clerk.

(L. S.)

The auditor before delivering said tax books and warrant, will take a receipt from the collector for the aggregate amount thereof and charge the same to him.

Sec. 12. *Taxes When Due—Collector Give Notice.*—All taxes shall become due and payable on the first Monday of July of each year and the collector shall immediately after receiving the tax books and warrant give notice for at least twenty days in the official paper of the city, that said tax books are in his hands for collection.

Sec. 13. *Collector Shall Demand.*—If such taxes are not paid within ninety days from the last publication of said notice, the collector shall demand the same at the abode or usual place of business of all such persons as are known to him, who have failed to make payment of their taxes, either by personal application or by a written or printed notice of the amount of taxes due from such person, properly addressed to him through the postoffice, or left at his usual place of abode, The notice may be in the following form:

NOTICE.

To A. B.:

A tax of \$. being on poll and personal estate, levied in the city of Chillicothe, for the year 19. . . . , is now due and unpaid.

In case the same is not paid by the day of next a sufficient amount of your property to satisfy said tax and the costs thereon accruing will be seized and sold in the manner directed by law. The said tax may be paid to me at on or before the day of

.....
City Collector.

Sec. 14. *Taxes Become Delinquent, When.*—On the first day of January of each year all taxes contemplated in this ordinance shall become delinquent and a penalty of one

per centum shall be added to all taxes remaining due and unpaid on that day, and upon the first day of each month thereafter an additional penalty of one per centum shall be added to all taxes remaining due and unpaid.

Sec. 15. *If Not Paid After Demand, to Collect by Sale.*—If any personal taxes become delinquent the city collector shall make out a certified tax bill thereof and shall thereupon proceed to collect the amount due upon said certified tax bill, together with the penalty, interest and cost due thereon by seizing a sufficient amount of the personal property of the delinquent fund within the city to satisfy said tax bill, penalty, interest and cost and shall sell the same in the manner provided by the laws of this state for the sale of personal property by constables on execution. The collector upon making said seizure shall indorse upon said certified tax bill a list of the property seized and may take bond from the delinquent with good and sufficient security for the forthcoming of said property on the day of sale.

Sec. 16. *Duty of Collector to Return Delinquent List—Auditor to Make Back Tax Books.*—It shall be the duty of the city collector, annually to make out and return to the city council, at its first meeting in April of each year, under oath a list of delinquent taxes, both real and personal. The city council shall carefully examine said list and if it shall appear that all property and taxes contained in said list are properly returned as delinquent the council shall approve the same and cause a record thereof to be made on the journal and the amount thereof to be credited to the city collector. Thereupon the city auditor shall add a penalty of ten per cent on all taxes remaining unpaid and thereafter such taxes and penalties shall bear ten per cent interest per annum until paid. He shall then make such delinquent list and penalty in a "Back Tax Book" and shall return the same to the city collector, who shall be charged with the aggregate amount thereof and who shall proceed to collect the same in the manner and under the same regulations as are or may be provided by law, for the collection of delinquent taxes for state and county purposes. He shall also cause the personal delinquent list to be returned to the city collector who shall be charged therewith and who shall proceed to collect the same in the manner and by the means hereinbefore provided.

Sec. 17. *Collector Shall Return Back Tax Books.*—At the first regular meeting of the city council, in April, of each

year, the city collector shall return the delinquent lists and back tax books under oath or affirmation, to the city council, and make settlement of his accounts for all moneys, received by him on account of taxes and other sources of revenue and the amount of such delinquent lists, or so much thereof as the council shall find properly returned delinquent, shall be allowed and credited to him on his settlement. Before allowing the collector such credit for any delinquent lists, the council shall make special inquiry and be fully satisfied that he has used due diligence to collect the same and that he could not find any personal property of the tax payer out of which to make the taxes. If the council is satisfied that there are any names on the lists of persons who have personal property out of which the taxes could have been made, they shall in passing upon such lists, strike such names therefrom.

Sec. 18. *Auditor to Make Back Taxes Into a Consolidated Back Tax Book.*—The city auditor shall every three years cause all the back taxes, due the city, on real estate, to be made into a "Consolidated Back Tax Book." The said book shall be made out and turned over to the collector as the annual "Back Tax Book" is made out and turned over to the city collector.

Sec. 19. *What Taxes Included In Book.*—The "consolidated back tax book," mentioned in the preceding section, shall contain all the delinquent taxes on real estate, due the city. The said book shall also contain the year or years for which real estate owned by each person is delinquent.

Sec. 20. *Collector to Collect Taxes—Has Power to Employ Attorneys—Fees.*—The city collector shall proceed to collect the taxes contained in such "consolidated back tax book" as herein provided and for the purpose of prosecuting suits under this ordinance, the collector shall have power, with the approval of the city council, to employ such attorneys as he may deem necessary, who shall receive as fees in any suit, ten per cent of the amount of taxes actually collected and paid unto the city treasury which sum shall be taxed on the cost in the suit and collected as other costs.

Sec. 21. *Suits How Prosecuted, Tax Bills, Etc.*—All actions commenced under the provisions of this ordinance shall be prosecuted in the name of the city of Chillicothe, Missouri, at the relation and to the use of the collector of said city, and against the owner of the property, and all real es-

tate owned of the same person or persons may be included in one petition, and in one count thereof, for the taxes of all such years as taxes may be due thereon, and said petition shall show the different years for which taxes are due, as well as the several kinds of taxes or funds to which they are due, with the respective amounts due to each fund, all of which shall be set forth in a tax bill of said back taxes duly authenticated by the certificate of the city collector and filed with the petition; and said tax bill or bills so certified shall be *prima facie* evidence that the amount claimed in the said suit is just and correct, and all notices and process in suits under this ordinance shall be sued out and served in the same manner as in civil actions in circuit courts. In all suits hereunder, the general laws of the state as to practice and proceedings in civil cases shall apply, so far as applicable.

Sec. 22. *Judgment.*—The judgment, if against the defendant, shall describe the land upon which taxes are found to be due; shall state the amount of taxes and interest found to be due upon each tract or lot, or block, and the year or years for which the same are due, up to the rendition thereof, and shall decree that the lien of the city be enforced, and that the real estate or as much thereof as may be necessary to satisfy such judgment, interest and cost, be sold, and a special fieri facias shall be issued thereon, which shall be executed as in other cases of special judgment and executed, and said judgment shall be a first lien upon said real estate.

Sec. 23. *Sheriff to Execute Deed.*—The sheriff shall execute to the purchasers of real estate under this ordinance, a deed for the property sold, which shall be acknowledged before the Circuit court of Livingston county, Missouri, as in ordinary cases, and which shall convey a title in fee to such purchasers of the real estate therein named and shall be *prima facie* evidence of title, and that the matter and things therein stated are true. (New Section. Passed and approved the 12th day of April, 1909.)

Sec. 24. *Assessment Lien on Property.*—When any property in this city shall have been assessed in conformity with the provisions of this ordinance, such assessment shall constitute a valid lien upon the property so assessed, and such lien shall carry with it all interests, penalties, and costs that may accrue under any provisions of this ordinance, and shall be perpetuated against such property, into whose hands so ever the same may pass, and can only be discharged by a full pay-

ment of such assessment with interest and costs as provided in this ordinance, or by law of the state of Missouri.

Sec. 25. *Not to Invalidate Suits or Proceedings.*—Nothing in this ordinance shall affect or in any way invalidate any suit or proceedings heretofore had or any suit or proceeding that may be now pending for taxes due the city in any court, nor affect or in any way invalidate any tax deed heretofore made by the city collector to any real estate sold for city taxes, and no proceedings heretofore had in relation to the enforcement of the city's lien against real estate for back taxes due the city under any ordinance shall be invalidated or affected by this ordinance. No right or interest of the city under any ordinance in relation to back taxes due the city passed and in force prior to the taking effect of this ordinance shall be affected or invalidated by any of the provisions of this ordinance.

Sec. 26. *Ordinances in Conflict Repealed.*—All ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

Passed and approved this 17th day of December, 1906.

ORDINANCE No. 7.

An Ordinance in Relation to the City Licenses and License Taxes in the City of Chillicothe, Missouri.

Be it ordained by the mayor and city council of the city of Chillicothe, Missouri, as follows:

Sec. 1. *Levy on Sundry Businesses.*—There is hereby levied, and the city collector shall collect, a standing license tax on the several avocations, trades and lines of business hereinafter named, and upon the persons engaged therein in the respective amounts specified in this ordinance. No other or further levy of any such license tax shall be necessary or required than is made herein and hereby.

1. Auctioneers shall pay a license tax of five dollars per annum.
2. Keepers, owners or managers of beer depots or store-rooms, fifty dollars per annum.
3. Butchers, twenty-five dollars per annum.
4. Commission merchants, ten dollars per annum.
5. Owners or managers of hay scales, coal scales, and all kinds of scales, kept or maintained for hire, five dollars per annum.

6. Hawkers or hucksters, five dollars per annum.
7. Mercantile agents, two dollars per day or fifteen dollars per annum.
8. Insurance companies, ten dollars per annum.
9. Express companies, ten dollars per annum.
10. Oil dealers, retail, five dollars per wagon per annum.
11. Oil dealers, wholesale, twenty-five dollars per annum.
12. Opera house, sixty dollars per annum.
13. Pawn brokers, twenty-five dollars per annum.
14. Coal and wood dealers, five dollars per annum.
15. Patent right dealers or patent right agents, twenty dollars per annum.
16. Restaurants, or lunch stands, ten dollars per annum.
17. Dealers in second-hand goods, six dollars per annum.
18. Hot tamales, wiener-wurst, or similar supply dealers, ten dollars per annum, for each can or other similar receptacle used in such business.
19. Tea, coffee and baking powder dealers, all or either of them or any other articles of merchandise whatsoever, selling at retail from wagon, ten dollars per annum.

Sec. 2. *Porters, Runners or Drummers.*—Porters, runners or drummers for hotels, taverns, restaurants or boarding houses, or eating houses or lunch stands, or for any vehicle named in the city ordinance relating to porters, five dollars, provided that such licenses for such porters, runners and drummers, when taken out by the keepers or proprietors of hotels, taverns, restaurants, or boarding houses or eating houses or lunch stands, or any vehicle as aforesaid, shall be valid until the expiration of such license, notwithstanding the fact that the particular porters, runners, or drummers acting for such hotels, restaurants, or boarding houses or eating houses or lunch stands, or vehicles at the time of the taking out of such licenses, may be replaced by other individuals before the expiration of such licenses; and provided further that no such license shall protect more than one such porter, runner or drummer at one time and no such license shall be transferable by the hotel keeper, or restaurant keeper, or boarding house keeper, or other person taking out the same.

Sec. 3. *Carriages, Hacks or Omnibuses.*—Owners, keepers or managers of carriages, hacks, omnibuses, and other

vehicles for carrying passengers for hire, ten dollars per annum for each vehicle.

Sec. 4. *Drays, Transfers or Job Wagons.*—Owners, keepers or managers of carts, drays, transfer, and job wagons, and other vehicles for transporting goods and property for hire, five dollars per annum for each vehicle drawn by two draft-animals, and two dollars and fifty cents per annum for each vehicle by one draft animal or drawn or propelled by hand.

Sec. 5. *Waggonettes and Tallyhos.*—Owners, keepers, or managers of waggonettes, having side seats, or tallyhos, used on days of public gatherings, circuses and fairs and for special excursion parties, ten dollars per annum for each vehicle.

Sec. 6. *Carriages for Special Occasions.*—Owners, keepers or managers of cabs or carriages used for special services only five dollars per annum for each vehicle.

Sec. 7. *Regulating Charges for Transporting Persons.*—It shall not be lawful under this ordinance for any person, agent, owner or party in charge of any vehicle licensed by the city, used for the conveying of passengers, to charge more than 25c for each passenger, together with his or her baggage not exceeding 25 pounds, but under no circumstances shall said vehicle carry more than 25 pounds of baggage.

Sec. 8. *Regulating Charges for Transporting Goods, Wares and Merchandise.*—It shall not be lawful under this ordinance for any person, agent, owner or party in charge of any vehicle licensed by the city and used for the transportation of goods, wares, merchandise or any material or any other article to charge more than 25c per load, to be hauled a distance of 5 blocks, and no more than 40c for a distance of more than 6 blocks, and for moving families 6 blocks or less, 40c, and for moving families over 6 blocks, 75c.

Sec. 9. *Vehicles Subject to License Under This Ordinance.*—Any vehicle used or kept for use, for hauling or transferring for hire, pay or profit, any goods, wares, merchandise or property of any kind, not owned by the owner of the vehicle, shall be subject to a license under this ordinance.

Sec. 10. *Dray License on Public Occasions.*—Dray license shall entitle the holder thereof to solicit on the public square and streets, and transfer passengers on days of public gatherings, circuses and fairs; provided, however, that no

other vehicle shall be used other than the dray having the license.

Sec. 11. *Vehicle to Have Name of Owner Thereon.*—Each cart, dray, transfer and job wagon, shall have printed thereon, the name of the owner of such vehicle, the number of his license and the word, cart, dray, transfer or job wagon, as the case may be.

Sec. 12. *But One Vehicle to Run Under Same License.*—Under the provisions of this ordinance, it shall be unlawful for more than one vehicle to run under the same license.

Sec. 13. *Billiard Tables—Not to Permit Minors to Play Thereon.*—Keepers, owners or managers of billiard tables or of pool tables, shall pay a license tax upon such tables in the following amounts to wit: Upon one billiard table, twenty-five dollars per annum; upon one pool table, fifteen dollars per annum; upon one billiard table and one pool table when kept or maintained at the same time and place, the sum of thirty-five dollars per annum, which said amount shall cover both such tables and for each additional table, the sum of fifteen dollars per annum; and every keeper or manager of a bowling alley, or of a tenpin alley, or of a ball alley of any kind shall pay a license tax of twenty dollars per annum; and every keeper or manager of any form of gaming table permitted to be run under the laws of this state, not otherwise specified or named herein, shall pay a license tax upon each such table in the sum of ten dollars per annum.

It shall be unlawful for the keeper of any table or game mentioned in this section to suffer any person under the age of twenty-one years to play at any game kept by him or be in any room while such game is being played, without the permission in writing of the father, mother or guardian first granted, and shall at all times keep on orderly place and cause the same to be closed at twelve o'clock at night, and not open again till five o'clock in the morning, and no playing shall be allowed on any table or at any game when said place is closed, and shall keep his place closed on the first day of the week, commonly called Sunday.

Sec. 14. *Hotels and Boarding Houses.*—The keeper of every tavern, or hotel, doing business within the city shall pay a license tax of twenty dollars per annum; and the keeper of every public boarding house doing business within the city shall pay a license tax of twelve dollars and fifty cents per annum; and for the purpose of this ordinance, a public board-

ing house shall be construed to be a house, not being hotel, for the accommodation of boarders or lodgers for hire to the number of five (5), or more at any one time.

Sec. 15. *Pop-Corn, Lemonade, and Lunch Stands—Baby Rack, Cane Rack, or Knife Board.*—Every person, firm or corporation who shall, upon occasion of any public festivity or assemblage, keep a pop-corn stand, lemonade stand, lunch stand or restaurant, all or either of them, for the time being, shall pay a license tax of two dollars per day, or ten dollars per annum; baby-rack, cane-rack, or knife-board shall pay a license tax of two dollars per day or fifteen dollars per annum.

Sec. 16. *Circuses.*—Every person, firm or manager exhibiting a circus, show, equestrian performance, or menagerie, charging as a general admission the sum of fifty cents shall pay a license tax of seventy-five dollars, provided that if more than twenty-five cents is charged for reserved seats, one hundred and twenty-five dollars shall be charged for every day the same shall be exhibited within the city limits, or shall parade and make a public display upon the streets of the city; the owners or managers of any show of the class commonly known as "side shows" shall pay a license tax of ten dollars per day for every day the same or the larger show or circus to which it is attached shall exhibit or parade within the city limits; and small tent shows, commonly known as "ten cent shows" or "twenty cent shows," and all shows of similar character shall pay a license tax of twenty dollars per day for each day the same shall exhibit or parade within the city limits; dog and pony shows shall pay a license tax of twenty-five dollars per day. All contracts made or licenses granted under this section, shall be made and executed by the city attorney on behalf of the city.

Sec. 17. *Museums.*—Every person, firm or manager, who shall exhibit any museum or any show essentially of the character of a museum, within the city limits, shall pay a license tax in the sum of five dollars per day for each day the same shall be exhibited.

Sec. 18. *Mercantile Agent Defined.*—A mercantile agent is hereby defined to be any person having a place of business in the city of Chillicothe, where orders for the sale and delivery of merchandise are taken, or who shall go from place to place within the city of Chillicothe and shall take orders for the

sale of goods, wares, and merchandise for future delivery, either by himself or some other person.

Sec. 19. *Unlawful to Act as Insurance Agent Without Company Has License.*—It shall be unlawful for any person or persons to act as agent in any capacity for any person, association, partnership, company of persons or corporations, engaging in, or carrying on the business of insurance in this city, without such person, firm, company of persons, or corporation has obtained a license therefor, as provided by this ordinance.

Sec. 20. *Unlawful to Act as Express Agent Without Company Has License.*—It shall be unlawful for any person, firm, company or corporation to act as agent for any express company doing business in the city, without such express company has obtained a license therefor as required by this ordinance.

Sec. 21. *Masquerade Balls.*—Every person, or association of persons, managing or giving any public masquerade, ball, or dance, for gain, or profit, within the city, shall pay a license tax of five dollars for each such entertainment; and every person, or association of persons, owning, managing, giving or controlling any theatrical, operatic, or other similar exhibition, or any show, or amusement, or entertainment, not already hereinbefore designated, or concert, or public lecture, or public exhibition of ventriloquism, or of spirit rapping, or of other spiritualistic demonstration, or of mind reading, or of legerdemain or of sleight-of-hand tricks, or of musical performance or entertainment, for gain, or profit, or for any advertising purpose, at any other place within the city than at a regular licensed opera house, or regularly licensed public hall, shall pay a license tax of five dollars for each and every such entertainment; provided, that nothing in this section contained shall be construed as applying to any amateur, or purely charitable performance.

Sec. 22. *Rope Walking.*—Every person who shall give, manage, or control, any public rope-walking, or wire-walking, in or over or upon or along or across any of the public streets of the city, shall pay a license tax of two dollars per day.

Sec. 23. *Hand Organ, Music Box, Etc.*—Every person, who shall, for money, or for advertising purposes, exhibit on any street, or other public place within the city, including all public parks and other places of public resort, any hand organ, music-box of any kind or description, organette, or simi-

lar contrivance, shall pay a license tax of two dollars per day therefor; provided, that this section shall not apply to musical boxes or instruments kept for sale in any regular store in the city.

Sec. 24. *Punch and Judy*.—Every person, or association of persons, who shall for money, or for advertising purposes, give, on any public street, or within any public building or room, or tent, or other enclosure, or structure within the city, any exhibition of the character known as "Punch and Judy" shows, or who shall, for money or advertising purposes, exhibit any trained animal or animals, within the city (not being a menagerie) shall pay a license tax of two dollars per day therefor.

Sec. 25. *Opticians or Occulists, Transient—Telescopic, Lung Testers, Muscle Developers, Magnifying Glasses*.—Every traveling or transient optician or oculist, before doing business as such optician or oculist, shall pay a license tax of \$5 per day, \$25 per month or \$50 per year. A traveling optician or oculist is hereby defined to be any person or persons who shall advertise or otherwise announce his or their business of fitting, selling or otherwise disposing of eyeglasses, spectacles, or optical goods, while temporarily located in any hotel, boarding house, mercantile establishment, doctor's or dentist's office, or in any store or office building, or in any building or place whatsoever, or who shall go from house to house, fitting, selling or taking orders for eye-glasses, spectacles or optical goods, within the city limits. Every person who shall for money, or for advertising purposes, give any exhibition, within the city of horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, or any fight enterprise or any gymnastic, athletic, or contortionist exhibition shall pay a license tax of two dollars per day therefor. Any person violating any of the provisions of this section shall upon conviction be fined not less than one nor more than fifty dollars. (New Section. Passed and approved this 1st day of April, 1909.)

Sec. 26. *Fortune Tellers*.—Every fortune teller, or clairvoyant, shall pay a license tax of five dollars per day, or fifty dollars per annum; every corn doctor shall pay a license tax of one dollar per day, or ten dollars per annum; and the keeper or manager of every pistol, or shooting gallery, shall pay a license tax of one dollar per day, or fifteen dollars per annum.

Sec. 27. *Peddlers*.—Every peddler shall pay a license tax of two dollars per day, or twenty-five dollars per annum; without exception; and every hawker of goods, wares, merchandise, nostrums, or patent medicines, shall pay a license tax of five dollars per day; and every manager of, or person owning or controlling a public revolving swing, or “merry-go-round” run or operated for gain, or profit, shall pay a license tax of five dollars per day.

Sec. 28. *Peddlers Defined*.—A peddler is any person who shall deal in the selling of patents, patent rights, patent or other medicines, lightning rods, goods, wares, or merchandise, except books, charts, maps, and stationery, by going from place to place to sell them, and no two or more persons shall deal as peddlers under the same license, either as partners, agents, employes or otherwise

Sec. 29. *Commission Merchant Defined*.—A commission merchant is any person, firm, company or corporation having a place of business, who for another person and for a commission or other compensation, buys or sells or receives on consignment for sale, or negotiation between the owner and purchaser for the purchase and sale of goods, wares and merchandise, flour, grain, country produce or other articles of commerce.

Sec. 30. *Hawker Defined*.—A hawker is hereby defined to be any person who carries his goods, wares or merchandise about and sells them on the streets or other places, and attracts customers and purchasers by public outcry or any other signals.

Sec. 31. *Transient or Auction Stores*.—Every person, company or corporation in charge of an auction store, damaged or bankrupt stocks of goods, doing business within the city of Chillicothe, Missouri, and every transient merchant doing business within the city, shall pay a license tax of \$10.00 per day for every day less than one month, or \$50.00 per month for any time less than a year, or \$150.00 per year; and for the purposes of this ordinance and section, “An Auction Store” is hereby declared to be any establishment or store in which goods, wares or merchandise are regularly cried for sale to the best or highest bidder or is the chief feature or principal method of disposing of stocks of goods. A dealer in “Bankrupt or Damaged” stocks of goods, wares or merchandise, is hereby declared to be any person, company or corporation that by newspaper notices or signs, written or printed placards, shall

advertise any goods for sale as bankrupt or damaged stocks of goods. A transient merchant is hereby defined to be any person, company or corporation, in charge of, or who opens a place of business in the city for the purpose of temporarily selling fruit or vegetables, clothing, dry goods, jewelry, musical instruments, sewing machines, or any other goods, wares or merchandise or offering the same for sale, in any quantity, from any car, warehouse or other place whatsoever within the city limits. Provided that any merchant, company or corporation, within the city, having paid a license tax to the city required for his line of business, shall have the right to close out his or the firm's stock of goods at auction without paying the license named in this section. This section shall not be construed as applying to any person selling produce or articles that he produces or raises by his own labor or upon his own premises. (New Section. Passed and approved May 4th, 1908.)

Sec. 32. *Not to Deal in Coal, Coke, or Wood Without License.*—It shall not be lawful under this ordinance, for any person, firm, company, or corporation in this city, whatever be his or their other avocations, to engage in or carry on the business of buying, or selling or otherwise trading in coal, coke, or wood, or any other commodities or substance whatsoever to be used for fuel, in any quantity, except in good faith only for his or their own personal use or family consumption, without first having obtained a license therefor from the city.

Sec. 33. *Unclaimed Goods of Express Companies.*—Every person, firm or corporation, giving, holding, controlling, managing, or charge of, any sale of unclaimed goods, by any express company, or other common carrier shall pay a license tax of ten dollars per day for every day the same may be carried on within the city.

Sec. 34. *License Year.*—The license year shall begin on the first day of January, and end on the thirty-first day of December of each and every year, and all licenses shall be issued and made to expire on the thirty-first day of December of each and every year, except as may be otherwise provided by ordinance.

Sec. 35. *To Pay for Year.*—Any person applying for license after the first day of January in any year shall pay for a full license year, and at the end of the year, the amount so paid shall be prorated with the time said person was actually

engaged in business, and the difference between said amount and the time said person was actually engaged in business bears to the whole license year shall be allowed on a new license, provided, that said license has not been transferred, and nothing herein shall entitle any person to the return of any money in case he or they fail to renew said license.

Sec. 36. *Penalty*.—Any person who shall exercise any of the avocations, or carry on, or engage in, any of the several trades or lines of business for which a city license is required by this ordinance and upon which a city license tax is levied by this ordinance, without first having obtained a city license therefor, shall be deemed guilty of a misdemeanor, and any person who shall in any respect violate any of the provisions contained or specified in this ordinance, shall be deemed guilty of a misdemeanor, and any person found guilty of a misdemeanor under this ordinance, shall be punished by a fine in any sum not exceeding two hundred dollars.

Sec. 37. *Ordinances in Conflict, Repealed*.—All ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

Passed and approved this 10th day of December, 1906.

ORDINANCE No. 8.

An Ordinance Imposing a License Tax on Dogs.

Be it Ordained by the Mayor and City Council, as follows:

Section 1. *License Tax Imposed*.—It shall be unlawful for any person or persons to keep or harbor in this city any dog or bitch of any age, without paying a license tax thereon, as provided and imposed by this ordinance.

Sec. 2. *License, Tag and Charge*.—The charge for such license, shall be for each dog one dollar, and for each bitch two dollars, per annum, which license shall describe the dog or bitch, giving its name and breed, and shall be issued by the city clerk, who shall also furnish at the expense of the city, a metallic check or tag, which shall have stamped or engraved thereon, "C. T. P. for 19...", which check or tag shall be attached to the collar, and worn by such dog or bitch.

Sec. 3. *Check or Tag on Collar*.—It shall be unlawful for any person or persons keeping or harboring any dog or bitch in this city, to allow or permit any such dog or bitch to be, at any time, at any place in this city, without a collar

having attached thereto, the check or tag as hereinbefore required. In case of loss, a duplicate check or tag shall be furnished by the city clerk, at the expense of the party or parties making application therefor.

Sec. 4. *Removal of Check or Tag.*—It shall be unlawful for any person or persons to remove or cause to be removed, a collar, check or tag from any dog or bitch without the consent of the owner or keeper thereof.

Sec. 5. *Clerk to Have Custody of Checks or Tags.*—The metallic check or tag provided for, in this ordinance, shall be kept in the custody of the city clerk, who shall issue them as hereinbefore provided or to the proper officer of the city, as he may require. The city clerk shall keep a record of all licenses, checks and tags issued to any person or officer, and any issued to an officer, shall be charged to him and he shall have credit for such as he may return.

Sec. 6. *License Year.*—For the purpose of this ordinance, the license year shall commence on the first day of July, and the license tax, herein provided, and imposed shall be due and payable on said date, of each year. Every dog or bitch of any age in the city on said date or thereafter brought into the city, in any year, shall be subject to the license tax as herein imposed.

Sec. 7. *Appointment of Special Officer.*—The city council shall, at its first meeting in August of each year, appoint a special officer, whose duty it shall be to collect all license tax, remaining unpaid for such year, and to prosecute any person or persons, keeping or harboring any dog or bitch, in the city, who shall on demand, fail or refuse to pay the license tax as provided and imposed by this ordinance.

Sec. 8. *Dogs to be Killed, Fees.*—It is hereby made the duty of such special official and every policeman of this city, to kill any and all dogs or bitches found within the city, unless the license tax provided and imposed by this ordinance has been paid on the same, and to kill any and all dogs or bitches found within the city, without a check or tag attached to its collar as provided by this ordinance, unless the owner or keeper of such dog or bitch shall at once pay said license tax and provide a check or tag for such dog or bitch. The said special officer and every policeman shall report to the city council the number of dogs and bitches killed in compliance with this ordinance. The said special officer shall receive twenty-five per cent of any and all amounts collected by him, and fifty

cents for killing and burying each dog or bitch, and no other fee.

Sec. 9. *To Be Muzzled, When.*—It shall be the duty of the mayor, whenever in his opinion, the public safety is in danger from rabid dogs, to issue his proclamation ordering and requiring all persons owning, keeping or harboring any dog or bitch in the city, to properly muzzle the same, or to confine the same for such period of time, as may be deemed necessary in a good and sufficient manner, so that such dog or bitch cannot escape from such place of confinement. Upon the issuing of such proclamation by the mayor, it shall be the duty of all persons owning, keeping or harboring any dog or bitch during the time stated in such proclamation, to confine the same by good and sufficient means, within the yard, house, stable or out-house, or have the same properly and securely muzzled. It is hereby made the duty of every policeman of the city to kill any and all dogs or bitches running at large without muzzles, during the time when the mayor has, by proclamation, required the same to be muzzled or confined, even though the license has been paid thereon.

Sec. 10. *Vicious and Noisy Dogs.*—It shall be unlawful for any person or persons to own, keep or harbor within the city, any dog or bitch which is notoriously vicious or dangerous, or any dog or bitch which shall annoy or disturb any person or neighborhood, by loud, frequent or habitual barking, howling or yelping.

Sec. 11. *Bitches Not to Run at Large, When.*—It shall be unlawful for the owner, keeper or harbinger of any bitch, to allow or permit her to run at large while in heat, and it is hereby made the duty of every policeman of the city to kill all bitches found running at large, at such times.

Sec. 12. *Exemptions.*—The provisions of this ordinance shall not apply to any dog or bitch which may follow any person into this city, who may come or pass through the city, which shall remain near its owner or keeper or near its wagon, vehicle or other property.

Sec. 13. *Penalty.*—Any person or persons who shall violate any provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, be fined not less than one nor more than one hundred dollars.

Passed and approved this 17th day of December, 1906.

ORDINANCE No. 9.**An Ordinance Regulating the Vending of Fresh Meats.**

Be it Ordained by the Mayor and City Council, as follows:

Section 1. *Must Have Shop, Building or Stall.*—It shall be unlawful for any person, corporation or co-partnership of persons to sell or retail fresh meats within the corporate limits of the city of Chillicothe, Missouri, in any other place or in any other way except in a meat shop, or from a building or stall to be kept and maintained by him or them as hereinafter provided; provided, that nothing in this ordinance shall be so construed to prevent the sale by any person or persons without the keeping of such shop, building or stall, of beef in the quarter or whole dressed sheep or whole dressed hog. Any person violating the provisions of this section shall be fined in a sum not exceeding \$25.00 for each offense.

Sec. 2. *Meat Shop Must Be Clean—Decayed Meat Not to Be Sold.*—Every keeper of a meat shop or building or stall from which fresh meats are sold or retailed, shall keep the same in a neat and cleanly condition and free from all bad smells, and shall keep it properly disinfected; nor shall he keep on hand in his shop, building or stall, any putrid, decayed or unhealthy meat of any kind. Any person violating this section shall be fined not less than one dollar nor more than twenty-five dollars for each offense.

Sec. 3. *City Constable Shall Inspect.*—It shall be the duty of the city constable, at least once in each month, to visit all meat shops or buildings or stalls in the city of Chillicothe, Missouri, from which fresh meats are sold, and to inspect the same and see that they are kept in a neat and cleanly condition and free from all bad smells, and see that the same are properly disinfected; and see that there is not putrid, decayed or unhealthy meat of any kind on hand in any such building or stall.

Passed and approved the 16th day of January, 1905.

ORDINANCE No. 10.**An Ordinance in Relation to Butchers, Hawkers and Hucksters, and to License Venders of Fresh Fish, and Fixing the Amount of the License Fee.**

Be it Ordained by the Mayor and City Council of the City of Chillicothe, Missouri, as follows:

Section 1. *Butchers—License Required.*—It shall be unlawful for any person to carry on the business of a butcher within the city without taking out a license therefor; and no person shall be permitted, under such license, to sell or dispose of meats at more than one place or stand within the city.

Sec. 2. *Butcher Defined.*—For the purposes of this ordinance a butcher is hereby defined to be any person or firm selling or disposing of fresh meats for food in quantities less than one quarter.

Sec. 3. *Hawker or Huckster—Not to Sell.*—It shall hereafter be unlawful for any hawker or huckster, having a city license as such, to peddle or offer for sale, from any wagon, stand or room, fresh fish, oysters, lard or butter, or any fresh meats in quantities less than one quarter, or dressed or undressed poultry; provided, this section shall not be construed as applying to any person selling produce or articles that he produces or raises by his own labor, or products of his own farm or garden.

Sec. 4. *License Required to Sell.*—It shall hereafter be unlawful for any person, firm or company to peddle, sell or offer for sale, from any wagon or stand, or go from house to house offering to sell any fresh fish in any quantity, without first having obtained a license from the city. All persons who may desire to sell fresh fish from any wagon or stand, or who shall go from house to house offering to sell the same, shall obtain a license from the city, and no license under this section shall be issued for a less term than one year and the license fee shall be five dollars.

Sec. 5. *Grocer, Selling Oysters, Lard, etc.*—Nothing herein shall be so construed as to prevent any grocer, at his place of business, from selling oysters, lard, butter, vegetables, game, fish, poultry, or cured meats.

Sec. 6. *Butchers Not Exempt.*—Nothing in this ordinance shall exempt butchers, who may have been in the business in the city on the first day of January, 1908, and who may have failed to take out a butcher's license under Ordinance No. 7, of the Revised Ordinances of 1907, from the payment of the license fee at the time and in the manner required by said ordinance.

Sec. 7. *Penalty.*—Any person violating any of the provisions of this ordinance shall be deemed guilty of a misde-

meanor and upon conviction shall be punished by a fine in any sum of not less than \$1.00 nor more than \$100.00.

Sec. 8. *To Take Effect.*—This ordinance shall take effect and be in force from and after its passage, approval and publication, and shall repeal and annul any and all ordinances and parts of ordinances in conflict with the provisions of this ordinance.

(Passed and approved this 22d day of June, 1908.)

ORDINANCE No. 11.

An Ordinance to License and Tax the Business or Occupation of Bill Posting—Prohibiting the Erection of Bill Boards Within the Fire Limits, Without Permission of Council, and Regulating the Distribution of Bills, Cards, Circulars, Signs and Hand Bills on the Public Streets, and Posting or Tacking Same on Public or Private Buildings or Property, Within the City Limits.

Section 1. *License Required.*—Be it ordained by the mayor and city council of the city of Chillicothe: That it shall be unlawful for any person, firm or corporation after this ordinance shall take effect to engage in or carry on the business or occupation of bill posting, banner tacking, or the distribution of bills, cards, circulars, signs or handbills, except as provided for in this ordinance, within the limits of the city of Chillicothe, Missouri, without first having procured a license from the city to carry on said business or occupation as provided by this ordinance.

Sec. 2. *Fire Limits.*—No bill board, sign or bulletin board shall be erected or maintained within the fire limits of said city without the consent of the city council and no bill board or boards shall be higher than ten feet from the ground.

Sec. 3. *Church and School Property.*—*Indecent Pictures.*—It shall be unlawful for any person, firm or corporation to erect or maintain any bill board within one hundred (100) feet of any church, public or private school building. And no person, firm or corporation carrying on the business of bill posting, sign painting, distributing cards or banner tacking, shall within the city limits post or paint or cause to be posted or painted or distributed any advertisement, card, bill

or picture of an obscene, indecent, lewd or immoral character.

Sec. 4. *Waste Material, Etc., on Streets, Etc.*—It shall be unlawful for any person, firm or corporation or any licensed bill poster, or any servant or agent of any such person, firm or corporation to scatter, daub or leave any paste, glue or other like substance used in pasting or posting bills, upon any sidewalk or pavement; or scatter or throw any old bills, paper or waste material of any kind on any sidewalk or public street or alley in the city, or on any vacant lot or ground within the city limits.

Sec. 5. *Mutilation of Bills.*—If any person shall mutilate, disfigure by writing or by any other means any picture of person or animal or any bill, card, sign or other advertising device, so that such picture or advertisement shall be made to appear obscene or indecent, or if any person shall destroy or damage any bill board, or damage, mar or deface by any means whatever, any bill, card, hand bill or other advertising device, so that it shall not serve the purpose for which it was exhibited, he shall be deemed guilty of a misdemeanor.

Sec. 6. *Prohibiting Posting Bills on Certain Property, Etc.*—It shall be unlawful for any bill poster or other person to paste or paint any sign or advertisement on any sidewalk, or post or tack any bill, card, circular, hand bill, device or advertisement on the wall of any public building or on the wall of any private building, without the permission of the owner thereof; nor shall any bill poster or other person paint any sign, or tack any sign, circular, notice, bill or advertising matter of any kind on any post, pole or shade tree, door, fence, gate, or on any other property, public or private, located on any of the public streets or alleys, or other public places, or grounds inside the limits of the city, except as named in this section.

Sec. 7. *License Fee Per Day.*—It shall be unlawful for any person to distribute samples or to post or distribute hand bills, cards, signs or other device for the sale of any goods, wares or merchandise, or for the sale of any patent articles or medicines, or to advertise any business or entertainment, except as named in this ordinance, without first having procured a license from the city and paid a license fee of one dollar for each day such person may be engaged in the distribution of such samples or the posting or distribution of cards, hand bills, signs or other advertising device.

Sec. 8. *Ordinance Not to Apply to Certain Business.*—

The foregoing sections shall not be construed to apply to resident merchants, firms or persons engaged in business in the city, in posting bills, cards, or circulars for advertising their business, or to entertainments given for purely charitable purposes, or entertainments given by local talent, or for the sale of property, or legal advertisements, or to religious or political meetings or entertainments; provided nothing in this section shall exempt any person, firm or corporation from the restrictions named in section four of this ordinance.

Sec. 9. *Annual License Fee.*—Every person, firm or corporation engaging in the business or occupation of bill posting, except as named in sections seven and eight of this ordinance, in the city of Chillicothe, Missouri, after this ordinance goes into effect, shall pay an annual license tax of \$40.00. Such annual license shall be made to expire on the 31st day of December, each year after date of issue. Every person applying for an annual license as bill poster after this ordinance takes effect shall pay for a full license year, and at the end of the license year the amount so paid shall be prorated to correspond with the time such person may have been engaged in business, after the date of the license, and the difference in amount shall be credited on the new license taken out at the end of the year; but no person shall be entitled to have any money returned in case he fails to renew such license, and no fractional part of a month shall be considered in computing the time under this ordinance. Licenses under this ordinance shall not be transferable.

Sec. 10. *Penalty.*—Any person, firm or corporation violating any of the sections or provisions of this ordinance shall be deemed guilty of a misdemeanor and on conviction may be fined in a sum of not less than one nor more than one hundred dollars.

Sec. 11. *Other Ordinances Repealed.*—All ordinances or parts of ordinances in conflict with this ordinance or any of its provisions are hereby repealed. This ordinance shall take effect from and after its passage, approval and publication.

Passed and approved this 1st day of April, 1909.

ORDINANCE No. 12.**An Ordinance Concerning the Operating of Automobiles or Motor Vehicles Upon the Public Streets, Alleys, Avenues or Highways of the City—Interference With Automobiles, etc., Throwing Nails, Tacks, etc., Upon Streets—Fixing Amount of License and Providing Penalty for Violation of Ordinance.**

Be it Ordained by the Mayor and City Council of the City of Chillicothe, Missouri, as follows:

Section 1. The terms and words "automobile" and "motor vehicle," as used in this ordinance, shall be construed to mean all vehicles, propelled by power other than muscular power, except traction engines and such vehicles as run only upon rails or tracks. The terms and words "business portions of the city" as used in this ordinance is hereby construed to mean the territory of the city contiguous to any public street, alley, avenue or highway which is at any point principally built up with structures devoted to business; the terms and words "auto driver" shall be construed to mean any person operating an automobile or motor vehicle as mechanic, paid employe, or for hire.

Sec. 2. *Automobile Number, Etc.*—The owner of each automobile or motor vehicle shall have a number, corresponding with the number of the registration seal issued by the secretary of state, conspicuously displayed upon and permanently fixed on the back of every such automobile or motor vehicle owned by him; also display by an illuminated device the registration number on front of every such automobile or motor vehicle, so that said registration number can be distinguished at night, whenever such automobile or motor vehicle shall be operated or run upon the public streets, alleys, avenues or highways of the city; the figures to be Arabic numerals not less than three inches in height, and each stroke to be of a width of not less than three-eighths of an inch, and also as part of such number the letters "Mo."; such figures and letters shall be white on black ground, and the letters shall not be less than one and one-half inches in height; and provided, that said owner shall not be required to place any other mark of identity upon his automobile or motor vehicle.

Sec. 3. *To Carry Lamps, Etc.*—Every automobile or motor vehicle, when operated upon any of the public streets, alleys, avenues or highways, shall carry, at least two lighted

lamps showing white lights visible at least two hundred feet in the direction toward which the automobile or motor vehicle is proceeding, and shall also exhibit at least one red light, visible in the reverse direction.

Sec. 4. *Use of Automobile—Consent of Owner.*—No person, whether employed as an auto driver or otherwise, shall take, use or operate or run any automobile or motor vehicle without the consent, permission or knowledge of the owner thereof; and every automobile or motor vehicle while in use on any of the public streets, alleys, avenues or highways of the city shall be provided with good and suitable brakes, and also with a suitable horn or other signal device.

Sec. 5. *Duties of Driver—To Give Right of Way.*—Whenever a person operating an automobile or motor vehicle shall meet on a public street, alley, avenue or highway in the city any other person riding or driving a horse or horses, or other draft animals, or any other vehicle, the person so operating such automobile or motor vehicle shall seasonably turn the same to the right of the center of the street, alley, avenue or highway, so as to pass without interference. Any such person so operating an automobile or motor vehicle, shall, on overtaking any such horse, draft animal or other vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal or other vehicle shall, as soon as practicable, turn to the right, so as to allow free passage on the left. Any such person so operating an automobile or motor vehicle shall, at the intersection of any public street, alley, avenue or highway, keep to the right of the intersection of the center of such public street, alley, avenue or highway when turning to the right, and pass to the right of such intersection when turning to the left.

Sec. 6. *Same—To Give Warning.*—Every auto driver operating any automobile or motor vehicle upon any of the public streets, alleys, avenues, or highways within the city shall keep a vigilant watch for all vehicles, carriages or wagons, drawn by animal or animals, and especially vehicles, carriages or wagons driven by women or children, and shall, when approaching any such vehicle, carriage or wagon so drawn by animal or animals, stop such automobile or motor vehicle for such time as to enable such person in charge of any such vehicle, carriage or wagon to pass, or if going in the same direction shall, before attempting to pass, give said driver

or person in charge of any vehicle, carriage or wagon, drawn by animal or animals, sufficient notice of his or their intention to pass, by sounding a bell, whistle or horn, and if necessary to prevent the frightening of such animal or animals, bring said automobile or motor vehicle to a stop, in order to give such driver or person an opportunity to alight from such vehicle, carriage or wagon, and in case of any injury to a person or damage to property, the operator or driver of such automobile or motor vehicle shall stop, and upon the request of the person injured or property damaged, or any person present, shall give his name and address, and if he is not the owner of such automobile or motor vehicle, he shall give the name and address of such owner.

Sec. 7. *Same—To Stop—When.*—Every person operating an automobile or motor vehicle on the public streets, alleys, avenues or highways of the city, at request or upon signal by holding up the hand or otherwise, from a person riding or driving a horse or horses, or leading a horse or horses or other draft animal on any public street, alley, avenue or highway, shall cause the automobile or motor vehicle to stop and remain stationary, and shall, if requested, stop the engine of such automobile or motor vehicle, so long as may be necessary to allow the said horse or horses or other draft animal to pass; and it shall be the duty of any male driver of any automobile or motor vehicle, and other male occupants thereof, over the age of 15 years, while passing any horse or horses or other draft animal which appear badly frightened, to give such personal assistance as would be reasonable to insure the safety to all persons concerned and to prevent accidents. The provisions of this section shall apply to automobiles or motor vehicles going either in the same or in the opposite direction: provided, however, that no person shall give a signal of danger or distress, or call for assistance upon a person operating an automobile or motor vehicle without a reasonable cause for so doing.

Sec. 8. *Speed Limit.*—No person shall operate an automobile or motor vehicle on any public street, alley, avenue or highway, at a greater rate of speed than is reasonable, having regard to the traffic and use of the highways, or so as to endanger the life of any person, or the safety of any property, and shall not in any event, while upon any street, alley, avenue or highway, run at a greater rate of speed than eight miles per hour in the business portion of the city; and not greater than

ten miles per hour in any other portion thereof; and when turning a corner of intersecting streets, alleys, avenues or highways, or when traversing a curve or turn in the street, alley, avenue or highway, the speed shall not be greater than six miles per hour.

Sec. 9. *Automobile—Interference With, Etc.*—It shall be unlawful for any person not the owner or operator thereof, to tamper, meddle or interfere with any automobile, motor cycle or other similar vehicle, or to start or attempt to start the machinery thereof while the same is standing still, or to puncture or otherwise mutilate the tires, or to scratch, mark or otherwise deface the body of the apparatus thereof, or to take or remove from said automobile or other motor vehicle any part or portion of the machinery, equipment or other portion thereof, or to throw, cast or hurl any stones, rock, glass or other missile at any automobile or the occupants thereof.

Sec. 10. *Throwing Nails, Tacks, Etc.*—That it shall be unlawful for any person to cast or place on the public street, alleys, avenues or highways, any stone, glass, iron tacks, wire or other metal, or other substance whereby horses or mules or other animals or vehicles or automobiles may be injured.

Sec. 11. *License Required.*—Every person, corporation, company or co-partnership, operating or running any automobile or motor vehicle, upon any of the public streets, alleys, avenues or highways of the city, shall obtain a license therefor from the city, which license shall be issued by the city clerk for a term of one year from the date of issue, and the license fee shall be five dollars per year; provided, all licenses heretofore issued licensing automobiles or motor vehicles to operate in the city shall run to the date of expiration named in such license.

Sec. 12. *Penalty.*—Any person, corporation, company or co-partnership violating any of the provisions in any section of this ordinance shall upon conviction be adjudged guilty of a misdemeanor and punished by a fine of not less than five dollars nor more than one hundred dollars.

Sec. 13. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Passed and approved this 3d day of May, 1909.

ORDINANCE No. 13.**An Ordinance in Relation to Misdemeanors.**

Be it Ordained by the Mayor and City Council, as follows:

Section 1. *Unlawful Assembly.*—If three or more persons shall assemble together within this city, with the intent, or being assembled, shall agree mutually to assist one another to do any unlawful act with force or violence against the property of this city, or the person or property of others, or against the peace or to the terror of others, and shall make any movement or preparation therefor, and every person present at such meeting or assembly who shall not endeavor to prevent the commission or perpetration of such unlawful act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than fifty dollars, or by imprisonment in the city jail not to exceed thirty days.

Sec. 2. *Disturbing the Peace, Etc.*—If any person or persons, within the limits of the city shall wilfully disturb the peace of any neighborhood, or family, or person by loud and unusual noise, or by offensive or indecent conversation or by threatening, quarreling, challenging or fighting, or if any person or persons within the city limits, shall assault, strike or beat another or shall use unseemly, profane, obscene, indecent or violent language upon the public streets or in any public place or public meeting, or shall insult any female by indecent or improper language, or by indecent conduct, shall be deemed guilty of a misdemeanor; and every person who shall be guilty of any offense named in this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one nor more than two hundred dollars, or by confinement in the city prison not more than thirty days.

New section passed and approved the 1st day of April, 1909.

Sec. 3. *Disturbing Religious or Other Assembly.*—Every person who shall wilfully, maliciously or contemptuously disturb or disquiet any camp meeting, congregation or other assembly met for religious worship, or when meeting at the place of worship, or dispersing therefrom, or any school or other meeting or assembly of people met together for any lawful purpose whatever, by making a noise or by rude or indecent behavior or profane discourse within the place of assembly or so near the same as to interrupt or disturb the order or

solemnity thereof, or who shall wilfully menace, threaten or assault any person there being shall be deemed guilty of a misdemeanor and upon conviction, punished by a fine of not less than one nor more than one hundred dollars.

Sec. 4. *Drunkenness an Offense.*—If any person shall be drunk or shall be in a state of intoxication, in any street, avenue, alley or other public ground or place within this city, or in any public building or business house within this city, or who shall be drunk, or in a state of intoxication in any private house or private premises to the annoyance or disturbance of the peace of any person shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one nor more than one hundred dollars.

Sec. 5. *Fast Driving and Leaving Animals Unfastened.*—Whoever shall, within this city, ride or drive any horse, mule or other animal, whether hitched to a vehicle of any kind or not, upon any street, alley, square, common or other public place at an immoderate or reckless gait, or in such manner as to endanger any person, or shall willfully ride or drive into or against any vehicle, or who shall ride any horse, mule or other animal, or drive any vehicle drawn by any horse, mule or other animal upon or across any street crossing in this city, in such a manner as to run against or over any person upon or near such street crossing, or in such a manner as to be liable to run over or against any such person, or shall ride or drive an unsafe, wild, vicious or unbroken horse, mule or other animal within this city, or who shall leave any horse, mule or other animal upon any street, alley, avenue or public place unfastened or unguarded so as to prevent it running away, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one nor more than fifty dollars.

Sec. 6. *Cruelty to Animals.*—If any person shall torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, cruelly kill or over-drive any domestic animal or shall unnecessarily fail to provide the same with proper food, drink, shelter or protection from the weather, or shall drive or work the same when unfit for labor or cruelly abandon the same to die, or shall carry or cause the same to be carried on any vehicle or otherwise in any unnecessarily cruel manner, or overload any horse or team, or expose any calf or sheep upon any street, alley, avenue, sidewalk or market with their legs

ted, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not less than one nor more than one hundred dollars.

Sec. 7. *Leaving Animals Tied on Street.*—If any person shall unnecessarily leave any team or animal tied or hitched to any vehicle or tied to any rack, or other thing on the streets, alleys, avenues or commons of the city, after twelve o'clock, midnight, between the 31st day of October and the 31st day of March, of any year, such person shall be deemed guilty of a misdemeanor, and on conviction be fined not less than five nor more than fifty dollars. It is hereby made the duty of the police of the city when they have knowledge that any team or animal is so exposed, after the time named in this section, to take such team or animal to a stable and cause the same to be cared for at the expense of the owner.

Sec. 8. *Animals Running at Large.*—No owner or any person having charge of any horse, mare, mule, hog, pig, bull, steer, cow, or heifer calf, sheep or goat, and all other animals, shall permit the same to run at large; nor tie, hitch, or otherwise permit any such animal to eat, graze, or feed, in the streets, avenues, alleys or commons of the city of Chillicothe, and the doing of which is hereby declared to be a nuisance, and any owner or person having in charge or control any of the above named animals, who shall violate the provisions of this section, shall be deemed guilty of a misdemeanor and on conviction thereof, be fined not less than one nor more than twenty-five dollars.

Sec. 9. *Feeding Animals in Street.*—No person shall without the consent of the owner or person occupying any house or other building, feed any horse or other animal in front or at the side of such house or other building, nor within fifteen feet from the outside of the sidewalk in front of or at the side of such house nor shall any person leave any horse or other animal standing in front of any dwelling house for a longer time than ten minutes after being notified by the owner or person occupying such dwelling house, to remove the same. Any person violating this section shall be deemed guilty of a misdemeanor and be fined not to exceed fifty dollars.

Sec. 10. *Riding or Driving Upon Sidewalks.*—Whoever shall in this city, ride or lead any horse, mule, cow or other animal along, upon or across any brick, stone, wooden or other sidewalk of this city, or ride or run any bicycle or tricycle on any such sidewalk, or drive upon such sidewalk

any kind of a vehicle drawn by horses, mules or other animals except across regular crossings, or across private crossings, into private premises, or draw upon any sidewalk any hand-cart or wheel-barrow, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one nor more than fifty dollars.

Sec. 11. *Not to Hitch to Trees, Fences, Etc.*—No person shall, in this city, hitch or fasten any animal to any railing, fence, or ornamental or shade tree or lamp post not belonging to him or his employer, and every person so offending shall, on conviction, be fined not exceeding twenty dollars.

Sec. 12. *Fast Riding in a Cemetery.*—Whoever shall drive any horse or horses faster than a walk, or whoever shall drive over any lot or elsewhere than in the regularly laid out roads, avenues, or whoever shall hitch a horse to any shrub, tree, fence or monument, or whoever shall leave any horse without hitching within any cemetery in this city, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than five nor more than twenty-five dollars.

Sec. 13. *Discharging Fire-Arms or Hunting in Cemetery.*—Whoever shall discharge fire-arms or firecrackers, or whoever shall hunt any animal with dogs within any cemetery in this city, shall be deemed guilty of a misdemeanor and upon conviction thereof, be fined not less than five nor more than twenty-five dollars.

Sec. 14. *Damage to Cemetery.*—Whoever shall cut, mark, write upon, deface or otherwise injure any tomb-stone, monument or other structure in any cemetery in this city, or any fence, wall, hedge or other structure erected to enclose any cemetery, or any lot within the same, or whoever shall, without lawful authority, pluck, gather or destroy any plant, flower, shrub or tree within any cemetery, or shall climb upon any tree or fence within any cemetery, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than five nor more than twenty-five dollars.

Sec. 15. *Who May be Sent to Industrial Home.*—That every girl over the age of seven years and under the age of seventeen years, who shall be convicted of being a vagrant or of a violation of any ordinance of this city, may, except in cases deemed incorrigible, be sentenced to the Industrial Home until she shall reach the age of twenty-one years, if the police judge shall deem such girl a fit subject to be committed to said Home, such sentence to be in lieu of other punishment

and penalties; provided such sentence shall be approved by the circuit or probate judge of Livingston County, before committed; and it shall be the duty of the police judge to ascertain as near as possible the age of such girl, which shall be endorsed on the commitment.

Sec. 16. *Intoxication on Industrial Home Grounds or Streets Adjacent Thereto.*—It shall be unlawful for any person to be found in a state of intoxication on the grounds belonging to the state of Missouri, on which is located the Industrial Home for girls, or in any thoroughfare, street or alley immediately adjoining or surrounding said grounds, and any person so offending shall, on conviction, be fined not exceeding fifty dollars.

Sec. 17. *Trespassing Upon Industrial Home Grounds.*—It shall not be lawful for any person, male or female, to be found crossing said grounds, loitering on said grounds, entering said grounds or loitering around the building or buildings of the Industrial Home for girls at any time without the permission of the superintendent of said Home, or a lawful excuse, and any person so offending, shall upon conviction, be found guilty of a misdemeanor, and punishable by a fine of not less than one nor more than fifty dollars, or not less than five nor more than twenty-five days in the city jail, or both fine and jail sentence.

Sec. 18. *Gunpowder Within the Limits of the City.*—It shall be unlawful for any merchant or corporation to keep at any one time in any store, cellar, warehouse or depot within the limits of the city, more than thirty pounds of gunpowder or blasting powder. Any person or agent of any corporation violating this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars.

Sec. 19. *Quantity of Gunpowder.*—The quantity of gunpowder named in the preceding section and allowed to be kept within the limits of the city, shall be kept in air-tight tin or metallic canisters with good, close fitting and well secured covers thereon; provided that merchants, for the purpose of filling wholesale bills to customers, may bring in the city from powder magazines, such as may be required to fill such order but such powder shall not remain in the city longer than five hours. The same shall be kept in air-tight or metallic canisters. Any person violating this section, shall be deemed guilty of a misdemeanor, and upon conviction, be

fined not less than twenty-five nor more than one hundred dollars.

Sec. 20. *Destroying Monuments and Cornerstones.*—Any and every person or persons, who shall remove, alter, destroy, or in any manner deface, obliterate, or render less intelligible any stone or other monument placed at any point or points of intersection of any center or side lines of any street or streets, or alley or alleys, in said city, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one nor more than one hundred dollars for each and every offense.

Sec. 21. *Competent Person Run Steam Engine.*—All owners of steam boilers and engines inside the city limits shall at all times while the same are being used and run, keep an engineer or other competent person on watch, whose duty it shall be to keep constant guard over the same while steam is up, to guard against accidents or explosions. All violations of this section shall be deemed a misdemeanor and all persons found guilty shall be fined not less than five nor more than one hundred dollars.

Sec. 22. *Grass in Park or School Grounds.*—No person shall walk or run on, lounge on, or tramp down the grass in either of the grounds used as public school grounds or in any public square or park in the city, or in anywise injure the same, and every person so offending, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars.

Sec. 23. *Playing in Streets, Etc., Not Allowed.*—No person shall within this city, upon any street, alley, avenue or public place, play at any game or amusement, or engage in any sport or exercise likely to scare horses or other animals, injure passengers or embarrass the passage of vehicles, and every person so offending shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one nor more than fifty dollars.

Sec. 24. *Impairing Buildings, Posts, Etc.*—Any person or persons who shall, within this city, deface, injure or impair any building or buildings, fence, gate, sign, tree, box ornaments, shade trees, shrubbery, lamp post, awning post, telegraph pole, telephone pole, sidewalk or any other property of any kind in this city, belonging to the city or to any private person, or corporation, by cutting, breaking, daubing with paint or any other filth, offal or substance, hitching of horses

or other animals, throwing of stones or other missiles, or in any other way or manner defacing or impairing, or tearing down the same or committing any other dirty or filthy act by throwing, placing, dumping, or depositing any filth, the contents of any privy, refuse, animal or vegetable matter in, upon or about any such property or premises, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one nor more than one hundred dollars.

Sec. 25. *Obstructing Sidewalks, Streets, Avenues, Highways, Lanes, Alleys, Street Crossing or Other Public Ground.*

—Whoever shall, within this city, create, or cause any obstruction upon any sidewalk, street, lane, avenue, highway, alley, street crossing or other public grounds in this city by throwing, placing, creating or causing in any manner whatsoever to be placed thereon any sticks, stones, wood, coal, boards, lumber, boxes, paper, trash, rubbish, bottles, cans, hay, straw, melon refuse or rinds of any melons, or decayed fruit, substance or material of any kind, or any person allowing hay or straw, lumber, stone, coal, wood or other material to drop from their wagons, dray or conveyance upon any street, alley, crossing or other public grounds who shall fail to immediately remove the same therefrom, or if any person or persons shall wilfully or knowingly obstruct any street, avenue, highway, lane, alley, street crossing or public ground, by fencing across or upon the right of way of the same or any portion thereof or shall obstruct the same in any other manner whatsoever, or if any person or persons shall wilfully or knowingly obstruct any street, avenue, highway, lane, alley, street crossing or other public ground by maintaining such fence or other obstruction upon any street, avenue, highway, lane, alley, street crossing or other public ground or any portion thereof, he or they shall be deemed guilty of a misdemeanor and upon conviction shall be fined as herein provided, and each day such obstruction is permitted to remain after notice shall be deemed and taken as a separate offense. If any person or persons shall be guilty of an offense and violation of any of the provisions of this section, he or they shall upon conviction, be deemed guilty of a misdemeanor and fined in a sum of not less than one nor more than two hundred dollars. Provided that persons loading or unloading merchandise or other articles into or from their place of business or residence, may place the same upon the sidewalks so as not to obstruct the same from passage, and to remove the same as soon as possible; and pro-

vided further, that persons building or improving any premises or property, may with the permission of the city council, place any building material or mortar box along the side of the street so as to obstruct the passage of the street as little as possible, and to remove the same as soon as possible, when ordered to do so. (New Section. Passed this 1st day of April, 1909.)

Sec. 26. *Eave Pipes and Sidewalk.*—Every person owning or occupying any building in this city, shall cause the pipes conducting the water from the eaves of the building to be so constructed or altered so as not to spread the water over the sidewalk; and every person neglecting to comply with this section, shall, for every such offense, forfeit and pay for the use of the city, not less than five nor more than fifty dollars for every week he or she so neglects to cause the said pipes to be so constructed or altered as not to spread the water over any sidewalks.

Sec. 27. *Persons Congregating on Sidewalks and Streets.*—It shall be unlawful for any persons to the number of three or more to congregate, stand or loiter upon any public street, highway or sidewalk within the city so as to blockade or obstruct the same, and any person refusing to move on when ordered so to do by the city constable or policeman, shall be deemed guilty of a misdemeanor, and fined not less than one nor more than one hundred dollars.

Sec. 28. *Collecting Crowd by Sale.*—Any person or persons whether an auctioneer or otherwise who shall sell or attempt to sell or cry for sale at public auction or otherwise in this city, any goods, chattels or other property upon the streets or public grounds within this city so as to collect a crowd of people upon said public ground or said sidewalk, whereby the free passage of persons over the same is prevented or hindered shall be deemed guilty of a misdemeanor, and upon conviction, punished by fine not exceeding fifty dollars.

Sec. 29. *Throwing Rice, Etc.*—Any person who shall upon any street, avenue, alley or public place in the city of Chillicothe, throw any rice, flour, corn or any other substance upon any person whomsoever, to the annoyance and disturbance of such person, shall be deemed guilty of a misdemeanor, and upon conviction thereof, punished by fine of not less than one nor more than one hundred dollars.

Sec. 30. *Cellar Doors, Etc., Uncovered.*—If any person in this city shall dig or cause to be dug, or keep or maintain, or shall make any excavation in or adjoining any highway, thoroughfare or other public place, or shall dig any well, cistern or vault, and shall leave the same open or exposed and without a sufficient fence or other protection around it, or shall suffer or permit any cellar door or grating open on any highway or thoroughfare to remain open, whereby persons may be in danger of falling into such cellar or vault, the person or persons so offending, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one nor more than one hundred dollars.

Sec. 31. *Persons on Street After Night*—Any person of the age of fifteen years or over who shall, within this city, be found upon any public street, lane, alley or other public places within this city, at any time after 11 o'clock p. m. until daylight, who is not known to the city constable or policemen of this city to be a person of good repute, and who cannot give satisfactory excuse for such presence at such unusual hour, or any person under the age of fifteen years who shall be found upon the public streets, lanes, alleys or other public places within this city at any time after 8:30 o'clock p. m. until daylight next morning, unless sent on an errand by their parents or guardian, or accompanied by an adult, any person so offending, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one nor more than fifty dollars.

Sec. 32. *Trespass Upon Private Property.*—It shall be unlawful for any person to trespass upon private property within this city by going upon or into any enclosure, or upon any lot, premises, orchard, out-house, stable or lot of another, without the consent of the owner or occupant thereof. Every person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one nor more than fifty dollars.

Sec. 33. *Causing Dogs or Other Animals to Fight.*—Whoever shall purposely cause dogs or other animals to fight upon the streets, alleys or public places of this city, shall be deemed guilty of a misdemeanor and upon conviction, be fined not less than one nor more than fifty dollars.

Sec. 34. *Climbing on Moving Cars.*—Any person other than railroad employes, who shall jump or climb, or attempt to jump or climb upon or into, or who shall encourage any

person to jump or climb, or attempt to jump or climb, upon or into any locomotive engine, car or train of cars thereto attached while in motion, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one nor more than twenty-five dollars.

Sec. 35. *Running of Trains.*—It shall be unlawful for any conductor, engineer, fireman, brakeman or other person to move or cause or allow to be moved any locomotive, train, tender, or car within the limits of the city of Chillicothe, Missouri, at a greater rate of speed than six miles per hour and any person so offending shall be deemed guilty of a misdemeanor and be fined not less than five nor more than twenty-five dollars.

Sec. 36. *Trains Obstructing Crossings.*—It shall be unlawful for any conductor, engineer, fireman, brakeman, or others to cause, allow or permit any car, cars or locomotive to obstruct any street crossing, in the city limits of the city of Chillicothe, longer than five minutes, and any such person violating this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than five nor more than twenty-five dollars.

Sec. 37. *Public Indecency, Obscene Books, Etc.*—No person shall, in this city, appear in any public place in a state of nudity, or in any dress not belonging to his or her sex, or in any indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any lewd or indecent act or behavior, or shall exhibit, sell or print or publish any lewd or indecent picture, or shall exhibit or perform any indecent, immoral or lewd play or other indecent presentation, and every person so offending shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one nor more than one hundred dollars, or by imprisonment in the city jail not more than thirty days.

(Passed this, the first day of April, 1909.)

Sec. 38. *Falsely Representing Self to be an Officer.*—Whoever shall falsely represent himself to be an officer of this city, or of the United States, or of any state, county or city within the United States or shall without being duly authorized, exercise or attempt to exercise any of the duties or functions of any such officer or shall hinder, obstruct or otherwise interfere with any officer of this city in the discharge of his official duties, shall be deemed guilty of a mis-

demeanor, and upon conviction, shall be fined not less than one nor more than one hundred dollars.

Sec. 39. *Selling Cigars and Tobacco to Minors.*—Whoever shall sell, give or offer to sell or give any cigars, cigarettes or tobacco to any minor under the age of sixteen years without the consent of the parents or guardian of such minor shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one nor more than fifty dollars.

Sec. 40. *Barbed Wire, Spikes, Etc., on Streets Prohibited.*—No person shall place or permit to be placed or remain on or along any railing or building front, or any part of any building, fence or premises, adjacent or contiguous to any street or sidewalk, any spikes, sharp or pointed cresting, or any barbed wire fence next to any sidewalk, or any other thing dangerous and liable to snag, tear, cut or otherwise injure any one coming in contact therewith. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one nor more than twenty-five dollars.

Sec. 41. *Bringing Paupers, Lunatics, Etc., Into the City.*—Whoever shall bring into this city, or cause to be brought into this city any pauper, lunatic, idiot, or person of unsound mind, or any person having any contagious or infectious disease, or any sickness or infection, or infirmity causing helplessness, and leave any such person so afflicted without protection in this city, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than ten nor more than one hundred dollars.

Sec. 42. *Loafing on Street Corners, Etc.*—No person shall loiter, loaf or lounge at the corner of streets or in the vicinity of any place of amusement, public school, church, hotel, restaurant, eating house, saloon, dramshop or in or upon any square, street, avenue, alley or sidewalk within this city, and refuse to disperse or vacate such place when requested to do so by the city constable or any policeman of this city, or at the request of the person in charge of such church, school or place of amusement. Any person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one nor more than one hundred dollars.

Sec. 43. *Firecrackers, Shooting.*—No person shall, within the city, shoot, explode or cause to be exploded, any fire-

crackers or fireworks in any of their various forms, upon any street, alley, highway or public grounds within this city. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars.

Sec. 44. *Discharge of Fire Arms.*—No person shall, within this city, discharge or fire off any gun, pistol or other fire arm, nor shall throw any rock, pebble, arrow or other hard substance by means of a sling, cross-bow, india rubber shooter or bow, or by any other means, nor discharge any air gun, target gun or spring gun of any kind. Nothing in this section shall be construed as applying to officers in the discharge of their duties, licensed shooting galleries or military funerals. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed one hundred dollars.

Sec. 45. *Stallions, Jacks and Other Male Animals.*—No person shall keep a male horse or a jack for teasing and serving mares, at the time of such service, or shall let any bull or other male animal to any female animal within three hundred yards of any school house, college, or church, nor shall such service be done near a public street, alley or any public ground of any kind or a residence other than that of the owner of the animal, unless the same is so surrounded with natural or artificial barriers as to obstruct the view from said street or public ground, or of persons residing at such residence.

Sec. 46. *Sabbath Breaking.*—Every person in this city who shall either labor himself, or compel or permit his apprentice or servant, or any other person under his charge or control, to labor or perform any work other than the household offices of daily necessity, of charity or of mercy, or who shall be guilty of hunting game or shooting on the first day of the week commonly called Sunday, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars. This section shall not be construed against any person exempted from its operation by Section 2241 of the Revised Statutes of Missouri of 1899.

Sec. 47. *Sunday Shows.*—That no person, firm or corporation shall, within the corporate limits of the city of Chillicothe, Missouri, give any public entertainment, theatrical or other exhibition whatever on the first day of the week, commonly called Sunday, and any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof,

shall be fined not less than one hundred nor more than two hundred dollars for each and every offense.

Sec. 48. *Barbering on Sunday.*—It shall be unlawful for the owner or proprietor of any barber shop, or for any journeyman barber of any barber shop in the city to perform any work or labor connected with any such shop in pursuance of such trade or profession on the first day of the week, commonly called Sunday, and every person so offending shall, on conviction, be fined not less than five nor more than fifty dollars.

Sec. 49. *Selling Goods on Sunday.*—Any person who shall expose to sale any goods, wares or merchandise, or or shall keep open any ale or porter house, grocery or tipping shop, or shall sell or retail any fermented or distilled liquor on the first day of the week, commonly called Sunday, shall on conviction be adjudged guilty of a misdemeanor, and shall be fined not to exceed fifty dollars. This section shall not be construed to prevent the sale of any drugs or medicines, provisions or articles of immediate necessity.

Sec. 50. *Horse Racing, Etc., on Sunday.*—Every person who shall engage in horse racing, cock fighting or playing at cards or games of any kind, or shall play base ball on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not exceeding fifty dollars.

Sec. 51. *Disorderly House and Place of Business.*—Any person or persons keeping, permitting or maintaining a disorderly house or place of business by suffering or permitting to assemble or congregate in and about such house or place of business, idle, vicious, drunken, quarreling or swearing persons, persons making loud noises and disturbing the peace of the neighborhood, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than one hundred dollars.

Sec. 52. *Carrying Concealed Weapons.*—If any person shall, within this city, carry concealed upon or about his person, any deadly or dangerous weapon or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for education, literary or social purposes, or to any election precinct, on any election day or into any court room during the sitting of court, or into any other public assembly

of persons met for any lawful purpose other than military drill, or meeting called under the militia law of this state, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, sling shot or other deadly weapon, or shall in the presence of one or more persons exhibit any such weapon, in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly, sell, or deliver, loan or barter, to any minor any such weapon without the consent of the parent or guardian of such minor, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than ten nor more than one hundred dollars or be imprisoned in the city jail not less than five nor more than thirty days.

Sec. 53. *Escaping From Custody*.—Any person who shall escape or attempt to escape from custody of an officer of this city, or while confined in the city calaboose, or any person who shall assist or attempt to assist in any manner, any such prisoner to escape from the custody of such officer or from the said calaboose, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one nor more than one hundred dollars.

Sec. 54. *Vagrancy*.—Every person who may be found loitering around houses of ill fame, gambling houses or places where liquors are sold and drank, without any visible means of support, or shall attend or operate any gambling device or apparatus, or be engaged in practicing any trick or device to procure money or other thing of value, or shall be engaged in any unlawful calling whatever, and every able-bodied married man who shall neglect or refuse to provide for the support of his family, and every person found wandering or tramping around from place to place without any visible means of support, or any able-bodied person spending his time in idleness and not having any visible means of support, shall be deemed a vagrant and upon conviction thereof shall be fined not less than one nor more than one hundred dollars, or be imprisoned in the city jail, not less than twenty days, or by both such fine and imprisonment.

Sec. 55. *Intoxicating Liquors, Sales by Druggists*.—No druggist, proprietor of a drug store or pharmacist, shall directly or indirectly, sell, give away or otherwise dispose of alcohol or intoxicating liquors of any kind in any quantity less than four gallons for any purpose, except on a written

prescription dated and signed, first had and obtained, from some regularly licensed and practicing physician, and then only when such physician shall state in such prescription the name of the person for whom the same is prescribed, and that such intoxicating liquor is prescribed as a necessary remedy, provided that any druggist or pharmacist may sell or give away in good faith any wine for sacramental purposes, provided further, that any druggist may sell alcohol in less quantities than four gallons for art, mechanical and scientific purposes, but only on a written application signed by a person known to the druggist to be a mechanic, scientist or artist in which application shall be stated the purpose for which said alcohol is to be used. Any druggist, proprietor of a drug store or pharmacist who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine not less than twenty-five dollars nor more than two hundred dollars.

Sec. 56. *Cheat, Swindle, Etc.*—Any person within this city who shall engage in or aid, assist or abet any other person in any game, device, trick or other scheme, or by means of any deception whatsoever, designed or intended to cheat, swindle or defraud any person out of any money or thing of value, or who shall attempt or aid another in attempting to cheat, swindle or defraud any one out of any money or thing of value, by means of any trick, scheme, device or deception, by any false representations, statement or pretense or by any means or instrument or device commonly called the "confidence game," or who shall have in his or her possession any device, instrument, trick or tool used or designed to be used in any game, sleight of hand performance or scheme of any character intended or designed to cheat, swindle or defraud any person out of any money or thing of value, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than five nor more than one hundred dollars.

Sec. 57. *Desertion or Exposure of Children.*—Any parent, guardian or other person within this city having the custody of any child or children, or upon whom by law or nature the care and maintenance of such child or children devolves, who shall neglect suitably and to the extent of his or her ability to provide for the wants of such child or children, or who shall abandon any child or children so that the same are exposed or left in want, or a charge upon the public, shall be deemed guilty of a misdemeanor, and upon conviction

tion, shall be fined not less than ten nor more than one hundred dollars.

Sec. 58. *Putting Dead Animals, Etc., in Wells.*—Any person or persons who shall put or cause to be put any dead animal, carcass or any part thereof, or any offal or other filth, into any well, cistern, spring, drinking fountain, trough or basin used for drinking purposes, or into any brook or branch within this city, which is or may be used for household or domestic purposes, or the water of which is or may be used by the public for drinking purposes, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than five nor more than one hundred dollars.

Sec. 59. *Sale of Spoiled Meat, Etc.*—Any person who shall, in this city, sell or expose for sale, or offer for sale at any place, the flesh of any dead animal which was sick or overheated or run down by dogs or otherwise, at or immediately before the time at which the same was butchered or slain, or which died a natural death, or was killed by accident or otherwise than in the usual or ordinary method of slaying animals for food, or shall sell or offer for sale any blown, tainted, decayed or unsound meat, flesh, vegetables, eggs, poultry, fish or other unwholesome articles of food shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than ten nor more than one hundred dollars.

Sec. 60. *Adultery, Etc.*—Every person who shall live in a state of open and notorious adultery, and every man and woman, one or both of whom are married, and not to each other, and every person married or unmarried, who shall be guilty of open, gross lewdness or lascivious behavior, or any open and notorious act of public indecency, grossly scandalous, shall, on conviction, be deemed guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than two hundred dollars.

Sec. 61. *Gambling and Bawdy Houses.*—Every person who shall set up or keep a common gaming or bawdy house, or brothel or house of assignation shall on conviction be adjudged guilty of a misdemeanor, and punished by fine of not less than one hundred nor more than two hundred dollars.

Sec. 62. *Betting on Games.*—Every person who shall bet any money or property upon any gaming table, bank or device, or who shall bet upon any game played at or by means of any such gaming table or other gambling device, or who shall loan

or furnish any money or property to any other person to be bet as aforesaid and the same shall be used, or who shall in any manner be interested in any such playing or betting at such device shall be deemed guilty of a misdemeanor, and upon conviction punished by fine of not less than ten nor more than two hundred dollars.

Sec. 63. *Throwing Dice, Etc., and Betting Thereon.*—If any person shall play at any game whatsoever, for money, property or gain, with cards, dice or other device which may be adapted to or used in playing any game of chance, or in which chance is a material element, or shall bet or wager on the hands of cards, or sides of such as do play as aforesaid, every such person shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not less than one nor more than two hundred dollars.

Sec. 64. *Owner Permitting Gambling Device on Premises, Penalty.*—Every person who shall permit any gaming table, bank or device to be set up or used for the purpose of gaming in any house, building, shed, booth, shelter, lot or premises to him belonging or by him occupied, or of which he hath at the time the possession or control shall be deemed guilty of a misdemeanor, and upon conviction punished by imprisonment in the city prison or city workhouse for not more than one year nor less than thirty days, or by a fine not exceeding two hundred dollars or less than ten dollars.

Sec. 65. *Keeping Gaming Device.*—Every person who shall set up or keep any table or gambling device commonly called A. B. C. faro bank, E. O., roulette, equality, keno or any kind of gambling table or gambling device, adapted, devised and designed for the purpose of playing any game of chance for money or property, and shall induce, entice or permit any person to bet, or play at or upon any such gaming table or gambling device or at or upon any game played or by means of any such table or gambling device, or on the side or against the keeper thereof, shall, on conviction, be adjudged guilty of a misdemeanor, and upon conviction be punished by imprisonment in the city jail not less than ten days nor more than six months.

Sec. 66. *Leasing Houses for Gaming and Other Immoral Purposes.*—Every person who shall knowingly lease or let to another, any house or other building for the purpose of setting up or keeping therein any gaming table or gambling device, for the purpose of being used or kept as a gaming house, or brothel

or bawdy house, shall on conviction be adjudged guilty of a misdemeanor, and punished by a fine of not less than one hundred nor more than five hundred dollars.

Sec. 67. *Who Deemed Keeper of Gaming and Other Houses.*—Every person appearing or acting as master or mistress, or having the care, use or management for the time, of any prohibited gaming table, bank or device, shall be deemed a keeper thereof, and every person who shall appear or act as master or mistress, or have the care, use or management of any house or building in which any gaming table, bank or device is set up or kept, or of any gaming house, brothel or bawdy house shall be deemed the keeper thereof.

Sec. 68. *Who May Testify in Proceedings Against Gambling Houses.*—No person shall be incapacitated or excused from testifying touching any offense committed by another, against any of the provisions relating to gaming by reason of his having betted or played at any of the prohibited games or gaming devices, but the testimony which may be given by such person shall in no case be used against him.

Sec. 69. *Inmate or Boarder in Bawdy House.*—Any person, male or female, who shall in this city, be an inmate of or boarder or lodger in, or who shall in any way contribute to the support of any bawdy house, house of ill fame, assignation house, or other place kept or maintained for the purpose of prostitution, or any female person who shall be an inmate of any house, tenement or place within this city for the purpose of prostitution or criminal intercourse shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than two hundred dollars.

Sec. 70. *Frequenting Bawdy Houses.*—Any person, male or female, who shall at any time, in this city, be found in or frequenting or loitering about any bawdy house, house of ill fame, assignation house or other place kept or maintained for the practice of fornication, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than two hundred dollars; provided the provisions of this section shall not be so construed as to apply to any person or persons showing by competent proof that they visited such place on lawful business.

Sec. 71. *Pimps and Procurer.*—Any person, male or female, who shall as a pimp or procurer by soliciting or inducing any female to commit or have sexual intercourse with

any person other than such pimp or procurer shall be deemed guilty of a misdemeanor, and upon conviction, punished by fine not less than one hundred nor more than two hundred dollars.

Sec. 72. *Licentious Conduct Forbidden*.—No prostitute, courtesan or lewd woman shall, within the limits of this city, by word, sign or action, ply her vocation on any street, alley or avenue of this city, or in any other public place, or at any door or open window of the house or room she may occupy, and any prostitute, courtesan or lewd woman who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than two hundred dollars.

Sec. 73. *Renting Rooms for Fornication*.—Any person, male or female, who shall rent, keep, occupy or have in his or her possession or under his or her control or management, any room or rooms to which men resort for the purpose of prostitution or fornication, with such female or any other female, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five nor more than two hundred dollars.

Sec. 74. *Reputation of House in Evidence*.—In order to convict any person of keeping a bawdy house, house of ill fame or assignation house or other place kept or maintained for the practice of fornication, prostitution or illicit sexual intercourse, the character of such houses or places may be established by proof that the same is generally reputed to be a bawdy house, house of ill fame, assignation house or a place kept or maintained for the purpose of prostitution, fornication or illicit sexual intercourse.

Sec. 75. *Obstructing Stairway*.—It shall be unlawful for any person or persons to stand or sit in any stairway or passage leading to any building or room, so as to obstruct the passage of persons through or along same. Any person so offending, shall on conviction be fined not less than one nor more than fifty dollars.

Sec. 76. *Spitting on Sidewalk*.—It shall be unlawful for any person to spit on any sidewalk, street crossing, stairway, doorway or passage leading to any building or on the floor or walls of any public building within this city, and any person so offending shall, on conviction, be fined not less than one dollar nor more than five dollars.

Sec. 77. *Soliciting on Platform*.—It shall be unlawful for any person or licensed porter, runner or solicitor to solicit

custom for any business of any kind, whatever, within the depot of any railway company in this city, or upon the platform connected with such depot, and any person so offending, shall be deemed guilty of a misdemeanor and upon conviction thereof, be fined not less than five nor more than fifty dollars.

Sec. 78. *Driving Vehicles or Train Over Hose.*—It shall be unlawful for any person or driver of any vehicle, car, engine or train, to drive or cause to be driven any such vehicle, car, engine or train over any hose, necessarily laid across any street, avenue, alley or railway track, in this city, and every person or driver so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than five nor more than one hundred dollars.

Passed and approved this 10th day of December, 1906.

ORDINANCE No. 14.

An Ordinance Defining and Declaring What Shall Be Deemed Nuisances on Public or Private Property, and for the Summary Abatement of Nuisances; and Providing a Fine and Punishment for Violation of Ordinance in Relation Thereto; and for Manner of Assessing Costs Against the Property.

Section 1. *Unlawful to Permit Nuisance.*—Be it ordained by the mayor and city council of the city of Chillicothe, Missouri, as follows:

It shall be unlawful for any person, firm or corporation to commit, cause, keep, permit or do any nuisance as defined herein in the city of Chillicothe, Missouri.

Sec. 2. *What Declared Nuisances.*—The following are hereby deemed and declared nuisances:

1. All substances which emit or cause any foul, noxious, unhealthy or disagreeable odor or effluvia in the neighborhood where they exist.

2. All carcasses of animals remaining exposed one hour after death.

3. All green or salted hides left or deposited in any open place.

4. Every soap factory, tallow chandlery, grocery, cellar, shop, meat shop, sausage factory, beef or pork packing house, stable or barn which emits or causes any offensive, disagreeable, or noxious smell or odor.

5. All slop, foul or dirty water, liquor or beer washings,

all filth, refuse or offal discharged through drains or spouts, or otherwise thrown or deposited in or upon any street, avenue, sidewalk, alley, lot, park, public enclosure, or any pond or pool of water.

6. All vegetables or other articles that emit or cause any offensive or disagreeable smell or odor.

7. All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience or annoyance of the public.

8. All pursuits followed or engaged in or acts done by any person to the injury, annoyance or inconvenience of the public.

9. All signs projecting from any house, building or other structure more than twenty-four inches over or upon any sidewalk or alley, except by permission of the city council.

10. All hanging signs, ropes, net-work or other advertising device stretched over or across any street, avenue, alley or sidewalk.

11. All ashes, cinders, slops, filth, excrement, sawdust, stones, rocks, dirt, straw, soot, sticks, shavings oyster shells or cans, dust, paper, trash, rubbish, manure, refuse, offal, waste water, chamber lye, fish, putrid meat, entrails, decayed fruit and vegetables, broken ware, rags, old iron or other metal, old wearing apparel, all animal or vegetable matter, all dead animals or any other offensive or disagreeable substance or thing thrown, left or deposited or caused to be thrown, left or deposited by any one in or upon any street, avenue, alley, sidewalk, park, public enclosure, lot, vacant or occupied, or pond or pool of water.

12. All boxes, barrels, kegs, crates, boards or wood, wagons or buggies, engine, machinery or parts thereof, tombstones, marble or granite stones or piles of dirt, stone or brick, left or deposited by any one in or upon any sidewalk, curbstone or gutter or on any park-way on any street, alley or avenue, or in front or along the side of any building.

13. The burning upon any street, avenue, alley, public enclosure, park, sidewalk or other place in the city, of any animal, vegetable or other substances, the burning of which creates any disagreeable, noxious or unwholesome smell or odor.

14. Any stable, hog-pen or privy which is kept or per-

mitted to be kept in such a condition as to be offensive, annoying or disagreeable to any one.

15. Any house kept for the purpose of prostitution or promiscuous sexual intercourse, all bawdy houses, houses of ill fame and disorderly houses.

16. All boxes, barrels, goods, merchandise, or things whatsoever placed or allowed to remain upon any sidewalk, in front of or extending along the building adjoining the same, except while engaged in loading or unloading or unpacking goods, wares, and merchandise.

Sec. 3. *Hanging Meat in Street.*—No person shall place, leave, deposit or hang up any beef, pork, veal, mutton or other fresh meat, bacon, hams, fish or sausage in or upon any street, avenue, alley or sidewalk, or cause or permit the same to be done.

Sec. 4. *Throwing Slops, Etc.*—No person shall throw or cause or allow to be thrown any water or slops upon any floor of any building occupied by him so that the same shall run or soak through such floor or down, upon or along the inside of the wall of such building to the injury, annoyance, inconvenience or damage of any person or persons occupying or doing business in any room or upon any floor or floors beneath.

Sec. 5. *Obstructing Sewers.*—No person shall deposit or throw, or cause to be deposited or thrown into any sewer, sewer inlet, manhole, privy vault or cess pool which has a sewer connection, any animal or vegetable substance, or any hay, straw, ashes, cinders, sticks, shavings, trash, soot, oyster shells or cans, broken ware, rags, pieces of iron or other metal, old wearing apparel, or any article or thing whatsoever that is liable to cause the sewer to choke up or otherwise obstruct the free flow of water therein.

Sec. 6. *Slaughtering in City Limits.*—No person shall kill or slaughter beeves, sheep, hogs or animals within the limits of the city.

Sec. 7. *Keeping Animals in Pens, Etc.*—No person shall keep or cause or allow or permit to be kept on any premises occupied by him or under his control any hogs, cattle or sheep in a pen or other enclosure, so that an offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of the neighborhood thereof.

Sec. 8. *Dead Animals.*—No person owning or having in his possession the carcass of any animal shall the same be or

remain in or upon any street, avenue, alley, sidewalk, park or other public ground, or any private lot or place without at once giving notice thereof at the office of the city constable or to some member of the police force. Provided, however, that this section shall not apply to animals killed for use as food, but only to such carcasses as may be found in any part of the city likely to decay and become offensive.

Sec. 9. *Dragging Dead Animals in Streets.*—No person shall drag or cause to be dragged on or along any street, alley, avenue or other highway of this city any carcass of any animal, except between the hours of ten o'clock p. m., and five o'clock a. m.

Sec. 10. *Putrid Fish, Etc.*—No person shall suffer or allow any putrid or unwholesome meats or fish, decayed fruits or vegetables, refuse, offal, excrement, chamber lye or other filthy or offensive substance or thing to be or remain in or upon any house, building, lot, premises owned or occupied by him, or under his charge and control.

Sec. 11. *Killing Calf—Age, Etc.*—No person shall kill or suffer or cause to be killed for the purpose of sale any calf less than six weeks old, and no person shall sell, offer or expose for sale the meat of any calf killed when less than six weeks old.

Sec. 12. *Diseased Animal.*—No person shall bring or cause to be brought into the city of Chillicothe, any diseased or injured animal of any kind that is usually killed or slaughtered for food, nor shall any person bring or cause to be brought into the city any carcass or part of a carcass of any animal which shall have died of disease or injury, or which shall not have been slaughtered when in good health, and free from disease or injury to provide food.

Sec. 13. *Killing or Selling Diseased Animal for Food.*—No person shall, within the city, kill any diseased or injured animal with a view to or for the purpose of having the carcass dressed or prepared for food purposes, nor shall any person sell or give away in or in any manner dispose of, or offer to sell, give away or in any manner dispose of or expose for sale for use as food all or any part of, or any meat from the carcass of any animal which shall have died of disease, or in any other way than by being slaughtered, when in good health and free from disease or injury, to provide food.

Sec. 14. *Weeds—A Nuisance.*—All growth of weeds to a height of over one foot permitted to grow by any owner or

occupant of any lot, or block of ground or on any part of any such lot or block of ground; The word "weeds" as used in this section shall be held to include all rank vegetable growth which exhale unpleasant and noxious odors, and also high and rank vegetable growth that may conceal filthy deposits.

Sec. 15. *Shade Trees*.—All shade trees or poles standing inside the line of any sidewalk now constructed or that may be hereafter ordered constructed by the city council so that the tree, or trees, pole or poles or any part of same obstructs the sidewalk or any part thereof, or the construction of any new sidewalk or the repairs of any such sidewalk. And the limbs or branches of any such shade trees that hang over or across any sidewalk or part thereof so low as to interfere with or tends to obstruct the travel on such sidewalk.

Sec. 16. *Snow and Ice*.—All snow or ice permitted to remain on any sidewalk in front of any building, lot or block or part thereof by any owner or occupant of any such premises to a greater depth than one inch for more than ten hours after the same has fallen or frozen thereon.

Sec. 17. *Privies*.—All privies or urinals that are not connected with a private or public sewer in blocks, 13, 14, 15, 19, 20, 21, 22, 23, 30, 31, 33, 34, 37, 38, 39, 40, 41, 49, 50 and 51, Original Survey to the City of Chillicothe, Missouri.

Sec. 18. *Gates, Etc.*.—All gates, doors, shutters or other objects that in opening, swing into any street, avenue or alley or swing over any sidewalk or part thereof, in this city, are hereby declared to be a nuisance.

Sec. 19. *Hog-Pens*.—It is hereby declared a nuisance for any person to keep, or cause, or allow, or permit to be kept, on any premises occupied by him, or under his charge, or control, any hog or hogs, in pens or other enclosures, in the city limits, within one hundred feet of any dwelling house or church or hospital without the consent of the owner or occupant of such dwelling house, or the trustees of such church or the superintendent of such hospital.

Sec. 20. *Nuisances—Abatement, Etc.*.—The city may through the city constable or any of its police officers prevent, abate and remove nuisances on public or private property in a summary manner at the cost of the occupant or owner of the premises where the nuisance or cause thereof may be: Provided, That the same was caused by the occupant or owner of the premises or his or their agent, and all costs and expenses

incurred by the city in removing or abating any nuisance on any private property within the city limits shall be assessed against the occupant or owner, if caused by them or either of them or their agent, and the same shall be assessed as a special tax against such private property, which shall be a special lien against such property in same manner and with same effect that special tax-bills are for paving streets: Provided, however, that the same is caused by the owner of the property, or his consent is given thereto.

Sec. 21. *Cost Against Property*.—Whenever any nuisance shall be abated or removed as named in this ordinance by the city constable or any police officer, the city constable or other police officer causing the nuisance to be abated or removed shall keep an account of the cost and expense of abating or removing same and immediately report to the city council for assessment against the property of the person maintaining or causing such nuisance, said cost or expense. Said account shall be filed with the city clerk. The city council shall by order entered of record direct the city constable to serve a written notice on the person who caused or maintained such nuisance, to appear before the city council within ten days from the date of the service of such notice and show why the said cost and expense, so incurred by the city, should not be levied and assessed as a special lien against his or her property as provided by Section 20 of this ordinance; and on failure to appear, or if no sufficient excuse is shown, in the judgment of the city council, the council shall by ordinance levy and assess the amount of such cost or expense against the owner of the property liable therefor as provided by said section. The notice may be served by delivering a copy of same to any such person, or his or her agent, or by leaving a copy of same at the usual place of abode of the person to whom it is addressed with some member of his or her family over the age of 15 years.

Sec. 22. *Penalty*.—Any person who shall violate, neglect, fail or refuse to comply with any provision of this ordinance shall on conviction thereof before the city recorder, be deemed guilty of causing, committing, keeping, maintaining or doing or causing or permitting to be committed, caused, kept, maintained or done a nuisance, and shall be punished by a fine of not less than one dollar, nor more than two hundred dollars.

Sec. 23. *Separate Offense.*—Any person who shall commit, maintain, permit or do, or shall cause to be committed, maintained or done, any nuisance defined in this ordinance shall be deemed guilty of a separate and distinct offense under the provision hereof, for each twenty-four hours that the same shall be committed, maintained, permitted or done or caused to be kept, maintained, permitted or done, shall be proceeded against as in the first instance.

Sec. 24. *Duty of Constable.*—It shall be and is hereby made the duty of the city constable and the police force of the city to carefully note and observe and to promptly report and prosecute all violations of this ordinance.

Sec. 25. *Right to Go on Premises.*—The city constable or the police force of the city are hereby authorized and required to go in the day time, in and upon any house, building, lot or premises, public or private, for the purpose of removing or abating any nuisance defined herein.

Approved this the 26th day of October, 1908.

ORDINANCE No. 15.

An Ordinance Requiring the Wabash Railway Company and the Chicago, Burlington & Quincy Railway Company to Station, Maintain and Keep a Flagman During the Day and an Electric Light During the Night, Where Tracks of Said Companies Cross Elm Street, in the City of Chillicothe, Missouri, Providing a Penalty for the Violation Thereof.

Be it Ordained by the Mayor and City Council, as follows:

Section 1. *Flagman and Electric Light at Elm Street Crossing.*—That the Wabash railway company and the Chicago, Burlington & Quincy railway company shall station, maintain, keep a flagman, from 7 a. m. to 7 p. m. of each day, where the tracks of said companies cross Elm street, and shall establish an electric arc light, of not less than sixty candle power, to be kept burning during the night, where the south line of the Wabash railway company's right-of-way crosses the west line of Elm street, in the city of Chillicothe, Missouri.

Sec. 2. *Duty of Flagman.*—The flagman herein provided for, shall be provided with a red flag or a red lantern, as may be necessary, to be used as a signal to trainmen and to

notify and direct the attention of all persons, teamsters and drivers of vehicles approaching said railway crossing and to give due and timely notice and warning to all persons, teamsters and drivers of vehicles of the approach of trains.

Sec. 3. *Signal from Flagman, Rate of Speed.*—It shall be unlawful for either of said railway companies or the employes, servants or agents of said railway companies to conduct, run or operate any train, car or locomotive on or across said crossing, without a signal from such flagman to do so, and when such signal is given, or at any other time, shall not conduct, run or operate any such train, car or locomotive at a greater rate of speed than six miles per hour over and across said crossing.

Sec. 4. *Penalty as to Railway Companies.*—If either or both of said railway companies fail to comply with any of the provisions of this ordinance, either or both, as the case may be, shall forfeit and pay to the city of Chillicothe, Missouri, the sum of \$10.00 for each and every day that either or both fail to so comply, which amount may be recovered by civil action in the city police court or in any court of competent jurisdiction.

Sec. 5. *Penalty as to Persons.*—Any person or persons or employes, servants or agents of any such railway companies violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten nor more than two hundred dollars, for each offense.

Passed and approved this 12th day of November, 1906.

ORDINANCE No. 16.

An Ordinance Establishing the Fire Limits.

Be it Ordained by the Mayor and City Council, as follows:

Section 1. *Extent of Fire Limits.*—All that part of the city of Chillicothe embraced and comprised in block 20, block 21, block 22, block 31, block 33, block 38, block 39, block 40, block 13, block 14, block 15, block 30, block 23, block 41, block 50, block 49, block 51, block 34, block 37, block 19, of the original survey of the city of Chillicothe, shall hereafter be known and shall be the fire limits.

Sec. 2. *Buildings In.*—It shall be unlawful for any person to build, construct or erect, or cause to be built, constructed

or erected in the fire limits of said city, any shed, house, store, shop, office or other building, except the same be built or constructed of stone or brick, or veneered with brick, except that privies and wood or coal sheds for such buildings may be built or constructed of lumber, provided that the roofs of all such buildings shall be made of fire proof material.

Sec. 3. *May Remove From Place to Place, How.*—It shall be unlawful for any person to remove any wooden or frame shed, store, house, office, shop or other building into said fire limits. And no person shall remove any shed, store, house or other building in said fire limits from one lot or tract of ground therein, or from one place to another, or from any lot or tract of ground to another, without first being granted permission so to do by ordinance.

Sec. 4. *Shall Not Repair Frame Buildings.*—It shall be unlawful for any person, persons or corporation to repair, rebuild or enlarge any frame building or structure or part thereof, within the fire limits, to the extent of thirty per cent of its value, without first being granted permission so to do by ordinance.

Sec. 5. *Fire Places, Etc., How Built.*—No person shall within this city, construct, maintain or use or cause the same to be done, any fire-place, chimney, stove, stovepipe, oven, forge, furnace or other apparatus used for the purpose of making or using in fires, or in connection therewith in any house, building, office, store, shop, manufactory or other building, when the same is in a dangerous or unsafe condition, and liable to promote or cause fires or use any such fire-place, chimney, stove, stovepipe, oven, forge, furnace or any other such appliance without properly and securely protecting all surrounding or contiguous wood work or other adjacent inflammable material with a metallic or tin covering or other suitable and sufficient protection, so as to effectually prevent the same from taking fire.

Sec. 6. *Fires Near Buildings.*—No person shall within this city set fire to or burn, or cause the same to be done, any hay, straw, shavings, paper, brush, leaves, grass, weeds or other combustible matter in any street, alley or other thoroughfare or public place in this city, or upon any lot or tract of land in this city, nearer than ten feet to any house, barn, shed or other building.

Sec. 7. *Fires in Streets, Etc.*—No person shall within this city, set fire to or burn or cause the same to be done, any

hay, straw, shavings, paper, brush, leaves, grass, weeds or other combustible matter between the hours of 8 o'clock p. m. and 6 o'clock a. m., nor leave any such fire burning after 8 o'clock p. m. upon any street, alley or lot.

Sec. 8. *Chimneys*.—No person shall build, or cause to be built in this city, any chimney with less than four inches of brick or stone completely imbedded in lime or mortar and plastered on the inside with a smooth coat of the same. Holes for stovepipes shall have a sheet-iron thimble or other fire proof material inserted into the chimney, imbedded in mortar and a tin or sheet iron stopper with a flange at least one inch wide outside of the brick.

Sec. 9. *Combustible Substance Not to Be Stacked Within Fire Limits, Etc.*—It shall be unlawful for any person to stack or deposit or cause the same to be done, any lumber, shingles, lath, boards, wood, boxes, coal, hay, straw, shavings, or other combustible substance or material liable to cause or promote fires, in any building or upon any lot or ground within the fire limits: Provided, wood or coal may be stored for immediate use by the owner or tenant of such building or ground, in wood or coal sheds when constructed as provided by Section 2, of Ordinance Number 16, of the Revised Ordinances of the city. Nor shall it be lawful for any person to stack or deposit hay, straw, shingles, or other combustible substance or material, liable to cause or promote fires, except coal or wood, within 60 feet of any church, store, dwelling house, stable or other building, within the city limits and outside the fire limits, without first having obtained the written consent of all persons owning or occupying any of the buildings mentioned.

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction may be punished by a fine of not more than one hundred dollars.

Passed and approved this 26th day of December, 1907. (New Section.)

Sec. 10. *Care of Fires*.—No person within this city, shall have fire after working hours in any shop, store, office, factory or other building or place, unless the same be well secured so that no building or other property may be endangered thereby; nor shall any person leave, or permit to be left, any fire in any place within this city in an unsafe or insecure manner, nor shall throw or deposit any fire, ashes or cinders, containing fire, so as to endanger any property or buildings.

Sec. 11. *Dilapidated or Damaged Buildings.*—If any building or structure or part thereof, or anything attached to or connected with any building, or other structure in this city, shall by reason of its construction or use or from fire or decay, or other causes, be dangerous or unsafe so as to endanger life or limb, or shall be in such a condition from decay or otherwise as to cause or promote or be liable to cause or promote fires, it shall be the duty of the city council to condemn the same.

Sec. 12. *Proceedings to Condemn.*—In condemning any such property, the city council shall cause the person, persons or corporation in possession of, or owning any such property, to be summoned by the city constable to appear before the city council at the time therein specified, not less than six days from the time of the service of such summons, to make any objections to such proceedings, such party or parties may have, and to give such testimony under oath, as to the value of such property, as will enable the city council to arrive at its just and reasonable value, if it be of any value, in its appraisalment.

Sec. 13. *Compensation Provided.*—In condemning any such property, it shall be the duty of the city council to appraise the same at its just and reasonable value, if it be of any value, and to provide and cause compensation to be paid to the owner thereof, in accordance with such appraisalment.

Sec. 14. *Taken Down by Chief of Fire Department.*—After said property has been condemned and appraised, as aforesaid, and the amount of such appraisalment tendered to the owner thereof, it shall be the duty of the chief of the fire department to immediately take down or remove such building or structure, or any part thereof, as may be condemned.

Sec. 15. *May Remove Such Property Without Summons or Condemnation Proceedings.*—In cases where the public safety requires immediate action, the chief of the fire department may enter upon any such premises with such assistance as may be necessary, without the service of the summons, or without the property being condemned, as aforesaid, and cause such building or structure or any part thereof, to be taken down or otherwise secured without delay, and may fence up such premises or take such other action as may be necessary for the protection of the public, until such time that said property can be condemned as hereinbefore provided.

Sec. 16. *Penalty.*—Every person, persons, or corporation who shall violate, neglect, fail or refuse to comply with any provision of this ordinance, shall be deemed guilty of a misdemeanor and on conviction thereof, be fined not less than five nor more than two hundred dollars.

Passed and approved the 17th day of December, 1906.

Sec. 17. *Unlawful to Set Fire to Hay, Straw, Etc., When.*—It shall be unlawful for any person at any time to set fire to any hay, straw, shavings, paper, brush, leaves, grass, weeds or other combustible material or substance in any street, alley, lane, avenue or common, or on any lot, block or piece of ground, unless there is some male person over the age of eighteen years in charge of such fire, who shall remain with such fire until it is entirely burned out or extinguished; nor shall any person set fire to any combustible substance or materials in the city limits at any time when the wind is blowing at a greater rate than a gentle breeze. Provided, it shall not be unlawful for the fire department, when ordered by the mayor, to burn the accumulation of leaves, grass or rubbish, when deemed dangerous on account of fire, on any vacant lot, block or common or in the openings of any intake to any public sewer to prevent the same from becoming stopped by the accumulations of such substances; but in all cases a hose shall be attached to a fire plug before any such fire shall be started and shall not be uncoupled therefrom until such fires shall have burned out or have been extinguished. And it shall be unlawful for any person to set on fire any such combustible substance or materials at any time after the mayor shall have given notice by publication in the daily newspapers of the city, warning all persons not to set out fires on account of the danger of the destruction of property by the spreading of fires because of the extreme dry weather or scarcity of water supply in the city, or because the water works is not furnishing, for any cause, water to the city for fire protection.

Any person violating any of the provisions of this section shall, on conviction, be fined in a sum not less than one nor more than two hundred dollars. (New Section. Passed and approved the 19th day of October, 1908.)

ORDINANCE No. 17.**An Ordinance Concerning the Mode of Proceeding in Assessing Damages and Benefits Caused by Establishing, Opening, Widening, or Altering Any Street, Avenue, Alley, Public Ground or Square.**

Be it Ordained by the Mayor and City Council, as follows:

Section 1. *Police Judge Shall Empanel a Jury.*—That whenever the city council shall provide by ordinance for establishing, opening, widening, or altering any street, avenue, alley, public ground or square, and it becomes necessary to take private property for any of the purposes aforesaid, and no agreement can be made with the owner or owners thereof, the police judge shall give notice and cause a jury to be empaneled as provided by Article VI, Sections 1 and 2, of the city charter.

Sec. 2. *Jury Summons and Challenge.*—The police judge shall issue a summons directed to the city constable commanding him to summons twelve competent jurors to appear before the police judge on a day and at an hour therein named. The city and the party or parties shall each have the right to three peremptory challenges. Provided, That where there are two or more parties interested they shall all join in their challenges. When challenges are made, or any summoned are excused the city constable shall forthwith summons others to fill the panel.

Sec. 3. *Police Judge Shall Preside, Administer Oaths.*—The police judge shall preside at the sittings of such juries and administer oaths to witnesses that may be produced by either party, and shall cause subpoenas to be issued for any witnesses whose testimony may be required. Said subpoenas shall be served by the city constable or police. The police judge shall have the power to adjourn the jury from day to day, but the jury shall be discharged within five days from the time of empaneling. After the evidence is all heard by the jury if they shall not be able to arrive at a verdict after five hours' deliberation, they may in the discretion of the police judge, be discharged and a new jury empaneled after giving new notices.

Sec. 4. *Damages—How Assessed—Verdict of Jury, Etc.*—The jury in assessing damages shall first ascertain the actual value of the land proposed to be taken for opening,

widening, establishing or altering of any street, lane, alley, avenue or public square without reference to the proposed improvement, then if the whole of the property has not been taken, the jury shall ascertain the damages to the remainder of the property affected by the opening, widening, establishing or altering of such street, lane, avenue or public square, and the jury shall then assess against the owner or owners of the property the benefit or benefits to the remainder of the property affected by the opening, widening, establishing or altering such street, lane, alley, avenue or public square. If the amount assessed for the actual value of the property taken and the amount assessed for damages to the remainder of the property, shall exceed the sum assessed for benefits as aforesaid, then the jury shall assess such difference so ascertained against the city. If the amount assessed against the remainder of the property, for benefits shall exceed the amount assessed for actual damage of the land taken and for damage to the remainder of the property, the difference, if any, shall be a lien against the remainder of the property, and shall be collected as provided by ordinance. The verdict of the jury shall be made out in writing and signed by each of them and returned to the police judge. If the verdict of the jury be set aside by the police judge within the time prescribed by the charter, he shall cause new notices to be given and a new jury to be empaneled unless directed to the contrary by the city council. If not set aside by the police judge, the verdict shall be reported to the city council as provided for by Section 5, or Article VI, of the city charter. If the verdict of the jury shall not be confirmed by the council within ten days after being reported as aforesaid all the proceedings shall be void. If the title to any property proposed to be condemned be in controversy, nothing shall be paid therefor till the right to the money shall be determined as provided by Section 5, of Article VI of the city charter: Provided, the city shall in such cases not be liable for any costs unless the city be one of the claimants in such controversy.

(Passed and approved this 19th day of April, 1909. New Section.)

Sec. 5. *Notice Shall Specify Time, Date of Ordinance.*
—The notice to be given to the property owners whose property is proposed to be taken for public use shall be in writing, and specify date of ordinance passed by the city council in relation thereto, the time of empaneling the jury and the

description of the property. The notice shall be signed by the police judge, and served by copy by the city constable or some police officer, on the property owner or his attorney, or by leaving a copy at the usual place of abode of the owner, with some member of his family over the age of fifteen years. In case the return of the officer shows that any owner or party interested is a non-resident of Livingston County, or cannot be found therein, or is unknown, notice by publication shall be made by the police judge as provided by Section 2, of Article VI, of the city charter. Such notices may include and embrace the names of all owners or persons interested in one notice.

Sec. 6. *Assessment—A Lien—How Collected.*—All assessments made by such jury against any property shall be a lien against such property in favor of the city, and may be collected or enforced by suit in the name of the city in any court of competent jurisdiction.

Sec. 7. *Either Party the Right to Appeal.*—Either party shall have the right to appeal to the circuit court from the final judgment within ten days after the rendition of said judgment, in the manner provided by Section 8 of Article VI, of the city charter. Final judgment as used in this section is construed to mean the confirmation by the council of the finding by the jury, or their rejection of the same.

Sec. 8. *Compensation of Jury.*—The compensation of the jury shall be one dollar per day each, for every day they may be actually employed as jurors, to be paid as other expenses of the city.

Sec. 9. *The Verdict.*—The police judge shall record in a separate book all ordinances passed by the city council in relation to the establishing, opening, widening, or altering any street, avenue, alley, public ground or square. He shall also record in said book, the verdict of all juries affirmed by the city council, as well as all other proceedings had under this ordinance.

Sec. 10. *Council to Order Street Opened.*—The city council shall after the filing of the assessment or finding of the jury and its confirmation, direct the street commissioner to proceed at once, to open, widen, or alter any street, alley or avenue, public grounds or square, in accordance with the ordinance passed in relation thereto as provided by the charter.

Passed and approved this 17th day of December, 1906.

ORDINANCE No. 18.**An Ordinance Establishing a General and Uniform System of Sewerage and Dividing the City Into Sewer Districts and Providing for the Locating, Erecting and Maintaining Public, District and Private Sewers.**

Section 1. *Be it Ordained by the Mayor and City Council of the City of Chillicothe, Missouri: Dividing the City in Sewer Districts, from No. 1 to 10 to be Known as Sewer Districts*—That for the purpose of establishing a general and uniform system of sewerage, the city of Chillicothe is hereby divided into the following districts, to be known as sewer districts, numbered and described as follows, to-wit:

DISTRICT No. 1. District number one shall include and embrace all that portion of said city situate and lying north of Montgomery street and east of the right-of-way of the Chicago, Milwaukee & St. Paul railway company.

DISTRICT No. 2. District number two shall include and embrace all that portion of said city within the following boundary, to-wit: Commencing at the northeast corner of block one of Comstock's addition to the city of Chillicothe, thence west to Broadway street, thence south on Broadway street to Polk street, thence west on Polk street to Woodward street, thence south on Woodward street to Herriman street, thence following Bull Thunder branch and main stream sewers, to the right-of-way of the Wabash railway company, thence east along the north line of the right-of-way of the Wabash railway company to the west line of the right-of-way of the Chicago, Milwaukee & St. Paul railway, thence north along the west line of the right-of-way of the Chicago, Milwaukee & St. Paul railway to the place of beginning.

DISTRICT No. 3. District number three shall include and embrace all that portion of said city within the following boundary, to-wit: Commencing at the intersection of Broadway and Tenth streets, thence west on Tenth street and line of Tenth street through to Elm street, thence south on Elm street to Polk street, thence west on Polk street to Locust street, thence south on Locust street to the right-of-way of the Hannibal & St. Joseph railway, thence east along the north line of said right-of-way of the Hannibal & St. Joseph railway to main channel of Bull Thunder sewer, thence north along the said main channel of Bull Thunder sewer to Woodward street, thence north on Woodward street to Polk street, thence east on Polk street to Broadway street, thence north on Broadway street to place of beginning.

DISTRICT No. 4. District number four shall include and embrace all that portion of said city within the following boundary, to-wit: Commencing at the intersection of Polk and Elm streets, thence west on Polk street to Fair street, thence north on Fair street to city limits, thence east along the said line of the city limits to its intersection with the line of North Elm street through to said city limits, thence south along said line of North Elm street through to Polk street to the place of beginning.

DISTRICT No. 5. District number five shall include and embrace all that portion of said city within the following boundary, to-wit: Commencing at the intersection of Polk and Locust streets, thence west on Polk street to city limits, thence south along said line of the city limits to a point on said line about two hundred and fifty feet (250 ft.) north of the Utica wagon road, thence east from said point on said city limits and parallel with said Utica wagon road to east line of the old

Cemetery block, thence north on said east line of old Cemetery block to Hogan street, thence east on Hogan street to Monroe street, thence north on Monroe street to Clay street, thence east on Clay street to Washington street, thence north on Washington street to Jackson street, thence east on Jackson street to Locust street, thence north on Locust street to Polk street to place of beginning.

DISTRICT No. 6. District number six shall include and embrace all that portion of said city within the following boundary, to-wit: Commencing at the intersection of Locust and Jackson streets, thence west on Jackson street to Washington street, thence south on Washington street to Clay street, thence west on Clay street to Monroe street, thence south on Monroe street to Hogan street, thence west on Hogan street to east line of old Cemetery block, thence south on the said east line of old Cemetery block to a point about two hundred and fifty feet (250 ft.) north of the Utica wagon road, thence west from said point and parallel to said Utica wagon road to the city limits, thence south along said line of city limits to the right-of-way of the Hannibal & St. Joseph railway, thence northeasterly along the said north line of the right-of-way of the Hannibal & St. Joseph railway to Locust street, thence north on Locust street to Jackson street to place of beginning.

DISTRICT No. 7. District number seven shall include and embrace all that portion of said city within the following boundary, to-wit: All that portion of said city south of the right-of-way of the Hannibal & St. Joseph railway and west of High and Graves streets.

DISTRICT No. 8. District number eight shall include and embrace all that portion of said city within the following boundary, to-wit: All that portion of said city lying between High and Graves streets on the west, and Brunswick street on the east, and south of the right-of-way of the Hannibal & St. Joseph railway and extending to the city limits on the south.

DISTRICT No. 9. District number nine shall include and embrace all that portion of said city lying east of Brunswick street and the line of Brunswick street through south to the city limits, and south of the right-of-way of the Hannibal & St. Joseph railway company.

DISTRICT No. 10. District number ten shall include and embrace all that portion of said city lying between the north line of the right-of-way of the Hannibal & St. Joseph Railway on the south and Montgomery street and the line of Montgomery street through east to the city limits on the north and lying east of the right-of-way of the Chicago, Milwaukee & St. Paul railway.

Sec. 2. *Sewers Now Constructed and all Branches, Etc., Shall be Known as Public Sewers and Designated From No. 1 to 25 Inclusive.*—That the following sewers now constructed or hereafter to be constructed as separate and distinct sewers with proper connections or as extensions or branches of sewers already constructed, shall be known as public sewers, and said public sewers are designated by number and description as follows, to-wit:

No. 1. Commencing at the intersection of Montgomery street and Missouri avenue, thence east along the said Montgomery street and the line of said street through to the city limits.

No. 2. Commencing at the center of block two in Milwaukee addition to the city of Chillicothe, thence south along the line of natural drainage to its intersection with main stream of Bull Thunder sewer on Third street.

No. 3. Commencing at the intersection of Tenth and Eastin streets, thence south on Eastin street to center of Clay street, thence southeasterly along the line of main drainage of Bull Thunder to the right-of-way of the Wabash railway.

No. 4. Commencing at the intersection of Woodward and Polk streets, thence west to its intersection with Eastin street sewer.

No. 5. Commencing at the intersection of Locust and Polk streets, thence south on Locust street to Calhoun street, to its intersection with Eastin street sewer.

No. 6. Commencing on Webster street one hundred and twenty feet (120 ft.) east of east line of Locust street, thence east on Webster street to its intersection with Eastin street sewer.

No. 7. Commencing at the intersection of Locust and Jackson streets, thence east on Jackson street to its intersection with Eastin street sewer.

No. 8. Commencing at the intersection of Clay and Locust streets, thence east on Clay street to its intersection with Eastin street sewer.

No. 9. Commencing at the intersection of Clay and Elm streets, thence south on Elm street to Third street, thence east on Third street to its intersection with main stream of Bull Thunder sewer at or near the north end of Brunswick street.

No. 10. Commencing at the intersection of Polk and Walnut streets, thence north on Walnut street to Spring Hill street, thence west on Spring Hill street to its intersection with the line of natural drainage running north.

No. 11. Commencing in Polk street opposite the alley passing through block fourteen in King's addition to the city of Chillicothe, thence north through said alley to the channel of natural drainage north of block sixteen in King's addition to said city.

No. 12. Commencing at the intersection of Fair and Bryan streets, thence west on Bryan street to the street one block west of Dickinson street, thence southwest following line of natural drainage to the city limits.

No. 13. Commencing at the intersection of Fair and Polk streets, thence west on Polk street to Dickinson street, thence south on Dickinson street to its intersection with the Jackson street sewer.

No. 14. Commencing at a point two hundred feet (200 ft.) south of the intersection of Polk and Washington street, thence south on Washington street to Calhoun streets, thence west on Calhoun street to a point three hundred and ninety-five feet (395 ft.) west of the center of Walnut street, thence in a southwesterly direction following the natural drainage to its intersection with Webster street.

No. 15. Commencing on Webster street at a point opposite the alley in block twenty-one Old Survey in said city, thence west on Webster street to a point about two hundred and seventy feet (270 ft.) west of the southeast corner of block twenty-five Old Survey in said city, thence in a southwesterly direction to its intersection with Jackson street sewer.

No. 16. Commencing at the intersection of Jackson and Cherry streets, thence west on Jackson street to the main channel of a branch or gully, the same being a natural drain, thence west and southwest along the line of said natural drain to the city limits.

* No. 17. Commencing in the alley in block thirty-nine Old Survey, at a point about twenty feet (20 ft.) south of the south line of Jackson street thence south along the line of said alley to the line between blocks of fifty and fifty-seven Old Survey in said city, thence west along said line between said blocks to the center of Washington street.

No. 18. Commencing at the intersection of Clay and Washington streets, thence south on Washington street to Ann street, thence west on Ann street to Cherry street, thence south on Cherry street to Third street, thence west on Third street to Hickory street, thence south on Hickory street to Second street, thence west on Second street to the main channel of a branch running southwesterly, said branch being a natural drain, thence southwesterly along the line of said natural drain to the city limits.

No. 19. Commencing at the intersection of Second and Locust streets, thence west on Second street to Cherry street, thence north on Cherry street to Third street and there to connect with public sewer number eighteen.

No. 20. Commencing at the intersection of Second and Washington streets, thence south on Washington street to First street, thence west on First street to Cherry street, thence south on Cherry street to the right-of-way of the Wabash railway.

No. 21. Commencing at the north end of Williams street, thence south on Williams street to Smith street, thence east on Smith street to Graves street, thence south on Graves street to the city limits.

No. 22. Commencing at the intersection of Curtis and Graves streets, thence south on Graves street to Jameson street, thence west on Jameson street to its intersection with the Williams street sewer.

No. 23. Commencing at the intersection of Leeper and High streets, thence south on High street to Curtis street, thence east on Curtis street to intersect sewer on Conn street.

No. 24. Commencing on Conn street at a point one hundred feet (100 ft.) north of the southeast corner of block three of Conn and Henry's addition to the city of Chillicothe, thence south on Conn street to Lily street, thence following the natural drainage to the city limits.

No. 25. Commencing at the intersection of Brunswick and Violet streets, thence west on Violet street to Herriford street, thence south on Herriford street to Lily street, thence west on Lily street to its intersection with Conn street sewer.

Sec. 3. *City Council Shall Have Power to Cause Sewers to be Built.*—That if at any time the council shall determine that for sanitary purposes, or for the better preservation of any street, or for other purposes, other public sewers ought to be built, the city council shall have power to cause said sewers to be built, either as extensions of the public sewers herein provided for or as separate or district sewers.

Sec. 4. *District Sewers—Private Sewers.*—That all sewers rendered necessary by water courses or for sanitary precautions, or other local causes appertaining to any district or portion of said district, and said sewers not being in any street, alley or public grounds, shall be designated as district sewers, and shall be constructed as hereinafter provided, and all sewers constructed by individuals for their sole and individual benefit, for the purpose of draining private premises or by the direction of the city council as a sanitary measure, shall be designated and classed as private sewers.

Sec. 5. *Public and District Sewers to be Built Under the Supervision of the Street Commissioner and City Engineer. Work to be Done by Contract Let to Lowest Bidder.*—That all public and district sewers to be built and constructed by authority of this ordinance as new sewers or as extensions of sewers already built and constructed shall be built and constructed under the supervision of the street commissioner and city engineer, and in accordance with plans and

specifications to be agreed upon and adopted by the city council prior to the making of any contract for any such work, and in pursuance of such plans and specifications; all work shall be done under contract to be let to the lowest bidder in accordance with Section Seventeen of Article Five of the city charter. Provided that said public sewers hereafter to be built shall be built and constructed as the public service may require, as shall be determined by the council, and all costs for building, improving, cleaning and repairing said public sewers shall be paid by the city from the general fund.

Sec. 6. *Council to Cause Sewer to be Built Whenever a Majority of the Property Holders in the District Shall so Petition.*—That whenever a majority of the property holders resident within a district shall petition for a district sewer, or whenever the city council shall deem said sewer necessary for sanitary or other purposes, the city council shall cause said sewer to be built and constructed within the limits of said district, and said sewer shall be of such dimensions as shall be determined by the city council and shall be connected with a public or other district sewer, and said sewer shall have all necessary laterals, inlets and appurtenances which may be required.

Sec. 7. *City Engineer to Assess Cost of Work as a Special Lien Against the Lots of Ground Situated within Limits of District. City Auditor to Extend Tax thereon. To be Collected as in Case of Other Taxes.*—That upon the execution of the contract for the construction of any district sewer as herein provided, the city engineer shall assess the cost of the work, as determined by said contract, as a special tax against the lots of ground situated within the limits of said district exclusive of improvement in proportion to the area of the whole district, including highways and streets, which assessment rolls, when completed, shall be delivered to the city auditor, who shall extend the tax thereon and place the same in the hands of the treasurer for collection as in the case of other taxes, and the amount of money so raised shall constitute a special fund, applicable solely to the construction of such district sewer, and such assessment shall, when so made, constitute a lien on each lot upon which it shall be made, and in case of default in payment of such taxes by any lot owner the same may be collected in like manner as is provided for other delinquent taxes, and whenever said city of Chilli-cothe shall own any lot or lots, within the limits of any dis-

trict where such sewers shall be constructed, the taxes levied against such property shall be paid from the general fund.

Sec. 8. *Sums Expended for Repairing, Etc., of District Sewers. How Paid. Auditor Shall Report to Council Each Year Amounts Paid Out. To be Assessed as a Special Sewer District Tax.*—That all sums of money necessary for the cleaning, repairing and for other incidental expenses of district sewers shall be paid from the general appropriation for that purpose, and at the end of each fiscal year the auditor shall report to the city council the amounts paid out on account of each district separately, and the amount so charged to each sewer district in proportion to the assessed value of property, shall be assessed as a special district sewer tax, and the amount thereof charged to and collected from the lot owners respectively, as an item in the general tax bills of the next fiscal year following the expenditures.

Sec. 9. *Private Sewers to be Kept in Order and Repaired by Owner—to Connect with District Sewers When Possible.*—That all private sewers and drains now in use, or that may hereafter be built and constructed shall be kept in perfect order and repair by the owners of the buildings or property which are drained by said sewers and drains, and said private sewers shall, when possible, be connected with some district or public sewer.

Sec. 10. *Owners of Private Sewers to Have Consent of City Before Connecting With District or Public Sewer. Shall Pay City \$10 for Connection. Penalty for Violation.*—That the owner or constructor of any private sewer shall have the consent of the city council before connecting the same with any district or public sewer, and shall pay into the treasury of said city the sum of ten dollars for each and every private sewer so connected with a district or public sewer, and any person or persons connecting any private sewer with any public or district sewer shall be required to construct the same under the order and supervision of the city engineer and he shall use the same strictly according to the directions of the city engineer, made in writing, and any person who shall construct, or use, or cause to be constructed or used, any such private sewer in a different manner from that so ordered and directed by the city engineer, shall be subject to a fine of not less than five nor more than twenty-five dollars for each and every offense, and a like fine for every day such violations shall continue after notice from the city engineer to remove or reconstruct the same.

Sec. 11. *Persons Shall not Attempt to Make Connection With Public or District Sewers Without Consent of City Council. Not to Construct Defective Sewers. Penalty for Violation.*—Any person who shall make or attempt to make a connection of any private sewer with any public or district sewer without the consent of the city council and without paying the sum of ten dollars into the city treasury, as provided in Section No. 10 of this ordinance, or who shall make or cause to be made a defective private sewer under any street or highway, shall be deemed guilty of a misdemeanor, and shall be fined in a sum not less than one nor more than fifty dollars.

Sec. 12. *Repealing Ordinance.*—All ordinances of the City of Chillicothe in relation to sewers heretofore passed and approved are hereby repealed. (R. O. 1903.)

ORDINANCE No. 19.

An Ordinance to Establish a City Directrix, or Controlling Elevation for Grades, and Establishing Grades of Certain Streets.

Section 1. *Be it Ordained by the Mayor and City Council of the City of Chillicothe, Missouri. Establishing a City Directrix, or Controlling Elevation for Establishing the Grades of Streets, Alleys, Etc.*—That a city directrix, or controlling elevation for establishing grades and heights of all streets, alleys, sewers, sidewalks, curbstones, gutters and buildings, public and private, is hereby established on the top of the water-table on the northwest corner of the city hall building, situated on Lot No. 2, Block 21, Old Survey; and that all grades shall be established by city ordinance at designated elevations above or below said directrix, and the elevation of said directrix is hereby fixed and ordained to be one hundred and fifty feet, and all grades marked on the grade maps and profiles of the city of Chillicothe, or named in any ordinance thereof, as the grades of the intersection of two streets, shall have direct reference to and shall designate the relative height of the points where the center lines or axis of said two streets intersect.

Sec. 2. *Establishing Grade of Streets, Sewers, Sidewalks, Etc., at Their Intersection—Elevations, Watertable.*—The grade of the following streets, avenues and alleys, at their intersection, is hereby established at the elevation herein

given in feet, above or below the city directrix or controlling elevation for establishing the grades and heights of all streets, alleys, sewers, sidewalks, curbstones, gutters and buildings, public or private, which was heretofore established on the top of the water-table, on the northwest corner of the city hall building, situated on Lot No. two, in Block No. twenty-one, Old Survey, and which was fixed and ordained to be 150 feet.

AMANDA STREET—

Amanda and Elm, 144.4 feet
Amanda and Vine, 137.75 feet.

ANN STREET—

Ann and Walnut, 124.5 feet.
Ann and Cherry, 124.2 feet.
Ann and Washington, 130.93 feet.
Ann and Locust, 137.0 feet.
Ann and Elm, 145.0 feet.
Ann and Vine, 142.0 feet.

ASHER STREET—

Intersection of Asher and street south of the Hannibal & St. Joseph railroad, 121.0 feet.
235 feet north of Waples street, 123.1 feet.
120 feet north of Waples street, 119.0 feet.
Intersection of Asher and Waples streets, 114.5 feet.
139 feet south of Waples street, 108.5 feet.
Intersection of Asher and Curtis streets, 103.5 feet.
Center of Bargdoll and Jackson streets, 136.07 feet.
Bargdoll and Third streets, 133.47 feet.

BRIDGE STREET—

Intersection of Bridge and Broadway, 148.5 feet.
200 feet east of Broadway, 150.0 feet.
West end of Bridge Street, 157.6 feet.
East end of Bridge street, 157.7 feet.
130 feet west of Chicago, Milwaukee & St. Paul railway east line, 149.0 feet.
Intersection of Bridge and Commercial, 141.75 feet.
Intersection of Bridge and Missouri avenue, 141.0 feet.

BROADWAY STREET—

City limits, 151.0 feet.
Intersection of Broadway and Tenth, 152.5 feet.
Intersection of Broadway and Ninth, 159.0 feet.
Intersection of Broadway and Polk, 157.0 feet.
Intersection of Broadway and Bridge, 148.5 feet.
Intersection of Broadway and Calhoun, 140.0 feet.
Intersection of Broadway and Webster, 133.3 feet.
Intersection of Broadway and Jackson, 126.0 feet.

BRUNSWICK STREET—

Intersection of Brunswick and Third, 105.5 feet.
Intersection of Brunswick and Second, 108.0 feet.
240 feet south of center of Madison street, 112.0 feet.
280 feet north of the center of Madison street, 115.0 feet.
Intersection of Brunswick and Madison streets, 125.0 feet.
220 feet south of Brunswick and Madison streets, 126.5 feet.
Intersection of Brunswick and Violet, 121.0 feet.
216 feet south of intersection of Brunswick and Violet, 124.5 feet.
Intersection of Brunswick and Lily, 123.5 feet.
Intersection of Brunswick and Ryan's Lane, 113.5 feet.

BRYAN STREET—

Intersection of Bryan and Cemetery Lane, 121.2 feet.
260 feet east of intersection of Bryan and Cemetery Lane, 123.0 feet.
450 feet east of Intersection of Bryan and Cemetery Lane, 121.0 feet.

310 feet west of Intersection of Bryan and Dickinson, 122.0 feet.
Intersection of Bryan and Dickinson streets, 125.5 feet.
Intersection of Bryan and Springhill avenue, 132.5 feet.
Intersection of Bryan and McAnally streets, 138.5 feet.
Intersection of Bryan and Monroe streets, 140.5 feet.
Intersection of Bryan and Walnut streets, 130.5 feet.
Intersection of Bryan and Washington streets, 133.0 feet.
Intersection of Bryan and Locust streets, 148.0 feet.

CALHOUN STREET—

At the city limits, 102.0 feet.
160 feet east of city limits, 102.0 feet.
380 feet east of city limits, 108.0 feet.
210 feet west of Dickinson street, 111.0 feet.
Intersection of Calhoun and Dickinson, 121.0 feet.
270 feet east of Dickinson street at section line, 129.0 feet.
400 feet east of Dickinson street, 131.0 feet.
700 feet east of Dickinson street, 129.2 feet.
Intersection of Calhoun and Walnut, 132.5 feet.
Intersection of Calhoun and Cherry, 138.5 feet.
Intersection of Calhoun and Washington, 147.5 feet.
Intersection of Calhoun and Locust, 151.3 feet.
30 feet east of center of Locust, 151.0 feet.
Intersection of Calhoun and Elm, 142.6 feet.
Intersection of Calhoun and Vine, 132.0 feet.
Intersection of Calhoun and Eastin, 127.2 feet.
Intersection of Calhoun and Jefferson, 144.0 feet.
Intersection of Calhoun and Woodward, 145.0 feet.
Intersection of Calhoun and Broadway, 140.0 feet.
At the Chicago, Milwaukee and St. Paul right-of-way, 136.0 feet.

CHERRY STREET—

Intersection of Cherry and Springhill streets, 123.0 feet.
Intersection of Cherry and Bryan streets, 130.5 feet.
Intersection of Cherry and Polk Streets, 143.0 feet.
185 feet south of the Intersection of Cherry and Polk streets, 146.5 feet.
Intersection of Cherry and Calhoun, 138.5 feet.
Intersection of Cherry and Webster, 139.5 feet.
Intersection of Cherry and Jackson, 144.5 feet.
Intersection of Cherry and Clay 30 feet north, 144.0 feet.
Intersection of Cherry and Clay at the center, 143.0 feet.
Intersection of Cherry and Clay 30 feet south, 143.5 feet.
Intersection of Cherry and Ann 120 feet north, 124.3 feet.
Intersection of Cherry and Ann at the center, 124.2 feet.
Intersection of Cherry and Third, 122.8 feet.
Intersection of Cherry and Second, 128.0 feet.
Intersection of Cherry and First 30 feet north, 125.0 feet.
Intersection of Cherry and First at the center, 124.75 feet.
Intersection of Cherry and First 30 feet south, 124.5 feet.
210 feet south of intersection of Cherry and First, 119.0 feet.
390 feet south of intersection of Cherry and First, 117.0 feet.

CHURCH STREET—

At north end, 130.0 feet.
130 feet north of Leeper street, 131.0 feet.
Intersection of Church and Leeper streets, 126.5 feet.
150 feet north of Leeper street, 121.0 feet.
Intersection of Church and Waples streets, 118.5 feet.
Intersection of Cherry and Curtis streets, 113.0 feet.

CLAY STREET—

At the west end, 116.7 feet.
200 feet west of Dickinson, 115.8 feet.
Intersection of Clay and Dickinson, 118.0 feet.
389 feet east of Dickinson, 122.0 feet.
Intersection of Clay and Monroe, 137.0 feet.
Intersection of Clay and Walnut, 141.6 feet.

Intersection of Clay and Cherry, 143.5 feet.
Intersection of Clay and Washington, 142.5 feet.
Intersection of Clay and Locust, 145.0 feet.
Intersection of Clay and Elm, 139.5 feet.
Intersection of Clay and Vine, 129.5 feet.
Intersection of Clay and Eastin (west side), 116.0 feet.
Intersection of Clay and Martin, 116.0 feet.
140 feet west of Woodward, 121.5 feet.
Intersection of Clay and Woodward, 120.5 feet.
260 feet east of Woodward, 119.0 feet.
360 feet east of Woodward, 121.0 feet.
East end, 132.0 feet.

COMMERCIAL STREET—

Intersection of Commercial and Bridge, 141.75 feet.
Intersection of Commercial and Montgomery, 145.5 feet.
Intersection of Commercial and Jackson, 143.5 feet.

CONN STREET—

Intersection of Conn and Primrose, 111.7 feet.
240 feet south of the intersection of Conn and Primrose, 101.0 feet.
370 feet south of the intersection of Conn and Primrose, 100.0 feet.
Intersection of Conn and Waples, 101.0 feet.
Intersection of Conn and Violet, 99.0 feet.
230 feet south of intersection of Conn and Violet, 97.0 feet.
Intersection of Conn and Lily, 90.5 feet.

COOPER STREET—

Intersection of Cooper and Dickinson, 120.0 feet.
270 feet east of Dickinson, 130.5 feet.
600 feet west of Walnut, 139.5 feet.
273 feet west of Walnut, 137.5 feet.
Intersection of Cooper and Walnut, 140.5 feet.

COWGILL STREET—

At Hannibal & St. Joseph railroad track, 105.0 feet.
Intersection of Cowgill and Waples streets, 111.0 feet.
354 feet south of Waples, 121.5 feet.
Intersection of Cowgill and Jameson, 122.0 feet.
Intersection of Cowgill and South, 115.0 feet.

CURTIS STREET—

Intersection of Curtis and Graves, 129.2 feet.
Intersection of Curtis and High, 127.0 feet.
Intersection of Curtis and Church, 113.0 feet.
Intersection of Curtis and Asher, 103.5 feet.
Intersection of Curtis and Liberia, 104.5 feet.

DICKINSON STREET—

Intersection of Dickinson and Bryan, 125.5 feet.
Intersection of Dickinson and Polk, 122.0 feet.
Intersection of Dickinson and Cooper, 120.0 feet.
Intersection of Dickinson and Calhoun, 120.5 feet.
139 feet north of Webster, 120.5 feet.
Intersection of Dickinson and Webster, 118.0 feet.
30 feet south of, 117.5 feet.
50 feet north of the center of Jackson, 105.5 feet.
50 feet south of the center of Jackson, 105.5 feet.
Intersection of Dickinson and Clay, 118.0 feet.
259 feet south of intersection of Dickinson and Clay, 129.0 feet.
377 feet south of intersection of Dickinson and Clay, 131.0 feet.
501 feet north of Third street, 129.5 feet.
Intersection of Dickinson and Third, 114.0 feet.

EASTIN STREET—

At the city limits, 157.0 feet.
Intersection of Eastin and Tenth, 153.6 feet.
Intersection of Eastin and Ninth, 142.0 feet.
183 feet south of Ninth, 136.0 feet.
Intersection of Eastin and Polk, 133.0 feet.

Intersection of Eastin and Mechanic, 129.8 feet.
Intersection of Eastin and Calhoun, 127.2 feet.
Intersection of Eastin and Webster, 123.4 feet.
Intersection of Eastin and Jackson, 119.7 feet.
Intersection of Eastin and Clay, 116.0 feet.

EDGERTON STREET—

Intersection of Edgerton and Herriman, 113.0 feet.
Intersection of Edgerton and Third, 106.0 feet.

ELM STREET—

At the city limits north, 146.0 feet.
267 feet north of Ninth, 145.0 feet.
Intersection of Elm and Ninth, 152.0 feet.
186 feet south of Ninth, 153.0 feet.
Intersection of Polk and Elm, 150.8 feet.
273 feet north of Calhoun, 144.5 feet.
Intersection of Elm and Calhoun, 142.6 feet.
Intersection of Elm and Webster, 144.5 feet.
23 feet south of Webster, 144.0 feet.
Intersection of Elm and Jackson, 138.0 feet.
Intersection of Elm and Clay, 139.5 feet.
Intersection of Elm and Amanda, 144.4 feet.
Intersection of Elm and Ann, 145.0 feet.
Intersection of Elm and Third, 142.5 feet.
Intersection of Elm and Second, 133.2 feet.
Intersection of Elm and First, 124.0 feet.
At the Wabash Railway Company's main track, 123.0 feet.

FIRST STREET—

262 feet west of Hickory, 119.3 feet.
Intersection of First and Hickory, 121.5 feet.
Intersection of First and Walnut, 127.0 feet.
Intersection of First and Cherry, 124.75 feet.
Intersection of First and Washington, 128.5 feet.
Intersection of First and Locust, 132.5 feet.
Intersection of First and Elm, 124.0 feet.
Intersection of First and Vine, 123.5 feet.

GALE STREET—

Intersection of Gale and Martin, 113.0 feet.
Intersection of Gale and Woodward, 117.5 feet.

GRAVES STREET—

Intersection of Graves and Leeper, 124.0 feet.
Intersection of Graves and Waples, 126.8 feet.
Intersection of Graves and Waples (east side), 127.0 feet.
Intersection of Graves and Curtis (west side), 129.2 feet.
Intersection of Graves and Jameson, 122.15 feet.
Intersection of Graves and South, 114.4 feet.
Intersection of Graves, at city limits, 113.0 feet.

HENRY STREET—

At the north end on Hannibal & St. Joseph railway line, 125.5 feet.
Intersection of Henry and Madison, 121.5 feet.
Intersection of Henry and Primrose (west side), 117.7 feet.
Intersection of Henry and Primrose (east side), 120.0 feet.
210 feet south of Primrose, 112.0 feet.
Intersection of Henry and Violet, 105.0 feet.
210 feet south of Violet, 100.0 feet.
Intersection of Henry and Lily (west side), 100.0 feet.
Intersection of Henry and Lily (east side), 100.8 feet.
359 feet south of Lily, 114.0 feet.

HERRIFORD STREET—

Intersection of Herriford and Third, 118.4 feet.
Intersection of Herriford and Second, 120.8 feet.
At main track of Wabash railway company, 118.9 feet.
At Hannibal & St. Joseph railway main track, 122.6 feet.
Intersection of Herriford and Madison, 129.0 feet.

Intersection of Herriford and Primrose, 125.0 feet.

Intersection of Herriford and Violet, 111.5 feet.

150 feet north of Lily, 113.5 feet.

Intersection of Herriford and Lily, 111.5 feet.

HERRIMAN STREET—

At west, 135.0 feet.

Intersection of Herriman and Hill, 124.9 feet.

Intersection of Herriman and Unknown, 120.5 feet.

Intersection of Herriman and Martin, 114.4 feet.

311 feet west of Woodward, 104.0 feet.

Intersection of Herriman and Woodward, 111.3 feet.

Intersection of Herriman and Edgerton, 113.0 feet.

202 feet east of Edgerton, 120.8 feet.

Intersection of Herriman and Jourdan, 126.0 feet.

Intersection of Herriman and Bargdoll, 136.0 feet.

Intersection of Herriman and Paul, 130.5 feet.

Intersection of Herriman and Collier, 130.0 feet.

Intersection of Herriman and city limits, 130.5 feet.

HICKORY STREET—

Intersection of Hickory and Third, 109.5 feet.

Intersection of Hickory and Second, 109.0 feet.

Intersection of Hickory and First, 121.5 feet.

300 feet south of First, 113.0 feet.

HIGH STREET—

Intersection of High and Leeper, 133.0 feet.

Intersection of High and Waples, 131.0 feet.

Intersection of High and Curtis, 127.0 feet.

HILL STREET—

Intersection of Hill and Herriman, 124.9 feet.

Intersection of Hill and Wise, 130.75 feet.

Intersection of Hill and Third, 130.5 feet.

JACKSON STREET—*East of C. M. & St. P. Railroad Line—*

At the Chicago, Milwaukee & St. Paul right-of-way, east line, 136.0 feet.

Intersection of Jackson and Commercial, 143.5 feet.

Intersection of Jackson and Paul, 143.5 feet.

205 feet east of Commercial, 143.5 feet.

Intersection of Jackson and Missouri avenue, 137.5 feet.

JACKSON STREET—*West of Railroad—*

543 feet west of Dickinson, 99.0 feet.

276 feet west of Dickinson, 100.35 feet.

Intersection of Jackson and Dickinson, 105.5 feet.

450 feet east of Dickinson, 111.9 feet.

Intersection of Jackson and Monroe, 125.0 feet.

Intersection of Jackson and Walnut, 135.0 feet.

Intersection of Jackson and Cherry, 144.5 feet.

Intersection of Jackson and Cherry (west side), 148.0 feet.

Intersection of Jackson and Washington (west side), 144.5 feet.

Intersection of Jackson and Washington (east side) 148.0 feet.

Intersection of Jackson and Locust (east side), 144.5 feet.

Intersection of Jackson and Elm, 138.0 feet.

Intersection of Jackson and Vine, 120.0 feet.

215 feet east of Vine, 124.0 feet.

Intersection of Jackson and Eastin, 110.7 feet.

235 feet west of Jefferson, 127.0 feet.

Intersection of Jackson and Jefferson, 128.75 feet.

Intersection of Jackson and Woodward, 130.5 feet.

Intersection of Jackson and Broadway 126.0 feet.

150 feet east of Broadway, 127.0 feet.

West line of Chicago, Milwaukee & St. Paul Railroad right-of-way, 130.0 feet.

JAMESON STREET—

300 feet west of Samuel street, 103.0 feet.

Intersection of Jameson and Samuel, 117.0 feet.
Intersection of Jameson & Cowgill, 122.0 feet.
Intersection of Jameson and Williams, 122.0 feet.
Intersection of Jameson and Graves, 122.15 feet.

JEFFERSON STREET—

Intersection of Jefferson and Polk, 150.0 feet.
300 feet south of intersection of Jefferson and Polk, 150.00 feet
Intersection of Jefferson and Calhoun, 144.0 feet
Intersection of Jefferson and Webster, 135.75 feet
Intersection of Jefferson and Jackson, 128.75 feet.

JOURDAN STREET—

Intersection of Jourdan and Herriman, 126.0 feet.
Intersection of Jourdan and Third, 121.0 feet.

LEEPER STREET—

Intersection of Leeper and Graves, 124.0 feet.
Intersection of Leeper and Washington, 131.0 feet.
Intersection of Leeper and High, 133.0 feet.
Intersection of Leeper and Church, 126.5 feet.

LIBERIA STREET—

Intersection of Liberia street and the street south and along
Hannibal & St. Joseph railroad depot grounds, 113.0 feet.
100 south of the above, 108.0 feet.
100 south of above, 107.0 feet.
100 south of above, 108.0 feet.
200 south of above, 111.0 feet.
Intersection of Liberia and Waples, 110.0 feet.
Intersection of Liberia and Curtis, 104.5 feet.

LILY STREET—

Intersection of Lily and Brunswick, 123.5 feet.
Intersection of Lily and Herriford, 111.5 feet.
Intersection of Lily and Henry, (north side), 100.0 feet.
Intersection of Lily and Conn, 90.5 feet.
West end quarter section line, 93.5 feet.

MCANNALLEY STREET—

213 feet north of Springhill street, 130.0 feet.
Intersection of McAnnalley and Springhill, 136.0 feet.
Intersection of McAnnalley and Bryan, 138.5 feet.
Intersection of McAnnalley and Polk, 137.0 feet.

MADISON STREET—

West end on quarter section line, 115.0 feet.
Intersection of Madison and Henry, 121.5 feet.
Intersection of Madison and Herriford, 129.0 feet.
Intersection of Madison and Brunswick, 125.0 feet.

MANSUR AND SOUTH MONROE STREETS—

Intersection of Monroe and Jackson, 125.9 feet.
Intersection of Monroe and Clay, 137.0 feet.
303 feet south of Clay, 136.5 feet.
West of above point on Mansur street, 135.5 feet.
400 feet south or 341 feet north of Third, 119.0 feet.
Intersection of Madison and Third, 110.22 feet.

MAPLE STREET—

141 feet north of Tenth, 151.0 feet.
Intersection of Maple and Tenth, 150.0 feet.
Intersection of Maple and Ninth, 145.0 feet.
Intersection of Maple and Polk, 141.2 feet.

MARTIN STREET—

Intersection of Clay and Martin, 116.0 feet.
Intersection of Martin and Gale, 113.0 feet.
163 feet south of Gale, 110.8 feet.
Intersection of Martin and Herriman, 114.4 feet.
Intersection of Martin and Wise, 120.5 feet.
Intersection of Martin and Third, 124.5 feet.

MECHANIC STREET—

At the west end, 134.0 feet.

West side of Eastin street, 129.8 feet.

MILWAUKEE AVENUE—

Intersection of Chicago & Milwaukee, 117.0 feet.

Intersection of Milwaukee & St. Paul, 114.0 feet.

Intersection of Milwaukee & Mitchell, 116.0 feet.

MISSOURI AVENUE—

Intersection of Missouri and Polk, 137.5 feet.

Intersection of Missouri and Bridge, 141.0 feet.

250 feet south of Bridge street, 147.0 feet.

Intersection of Missouri and Montgomery, 149.0 feet.

240 feet south of Montgomery, 145.5

Intersection of Missouri and Jackson, 137.5 feet.

MONTGOMERY AVENUE—

West end of C. M. & St. P. right-of-way, 141.0 feet.

Intersection of Montgomery and Commercial, 145.5 feet.

Intersection of Montgomery and Missouri, 149.0 feet.

MONROE STREET—

205 feet north of Springhill street, 130.5 feet.

Intersection of Monroe and Springhill, 135.0 feet.

Intersection of Monroe and Bryan, 140.5 feet.

Intersection of Monroe and Polk, 144.0 feet.

NINTH STREET—

Intersection of Ninth and Locust, 146.15 feet.

Intersection of Ninth and Elm, 152.0 feet.

Intersection of Ninth and Vine, 153.5 feet.

Intersection of Ninth and Trenton, 169.6 feet.

Intersection of Ninth and Eastin, 142.0 feet.

Intersection of Ninth and Maple, 145.0 feet.

Intersection of Ninth and Oak, 154.5 feet.

Intersection of Ninth and Broadway, 159.0 feet.

LOCUST STREET—

City limits, north end, 130.0 feet.

78 feet south of the above, 131.0 feet.

Intersection of Locust and Springhill streets, 139.5 feet.

Intersection of Locust and Ninth, 146.15 feet.

Intersection of Locust and Bryan, 148.0 feet.

Intersection of Locust and Polk, 154.0 feet.

Intersection of Locust and Calhoun, 151.3 feet.

Intersection of Locust and Webster, (north side), 150.7 feet.

Intersection of Locust and Webster, (south side), 150.7

Intersection of Locust and Jackson, (north side) 144.5 feet.

Intersection of Locust and Jackson, (south side), 144.5 feet.

Intersection of Locust and Clay, 145.0 feet.

165 feet south of center of Clay, 144.9 feet.

345 feet south of center of Clay, 142.5 feet.

Intersection of Locust and Ann, 137.0 feet.

Intersection of Locust and Third, 140.0 feet.

Intersection of Locust and Second, 137.5 feet.

Intersection of Locust and First, 132.5 feet.

298 feet south of First, 133.5 feet.

OAK STREET—

North end of city limits, 156.5 feet.

Intersection of Tenth and Oak, 154.0 feet.

Intersection of Ninth and Oak, 154.5 feet.

PAUL STREET—

Intersection of Paul and Jackson, 143.5 feet.

340 feet south of Jackson, 144.5 feet.

Intersection of Paul and Herriman, 130.5 feet.

POLK STREET—

West end, road to cemetery, 116.0 feet.
417 feet east of the above, 114.0 feet.
286 feet west of Dickinson, 119.5 feet.
Intersection of Polk and Dickinson, 122.0 feet.
Intersection of Polk and Springhill avenue, 129.5 feet.
Intersection of Polk and McAnalley, 137.0 feet.
Intersection of Polk and Monroe, 144.0 feet.
Intersection of Polk and Walnut, 147.0 feet.
Intersection of Polk and Cherry, 143.0 feet.
Intersection of Polk and Washington, 145.0 feet.
Intersection of Polk and Locust, 154.0 feet.
Intersection of Polk and Elm, 150.8 feet.
Intersection of Polk and Vine, 144.8 feet.
Intersection of Polk and Trenton, 142.0 feet.
Intersection of Polk and Eastin (west side), 133.0 feet.
Intersection of Polk and Eastin (east side), 133.0 feet.
Intersection of Polk and Maple, 141.2 feet.
Intersection of Polk and Jefferson, 150.0 feet.
Intersection of Polk and Woodward, 157.5 feet.
Intersection of Polk and Broadway, 157.0 feet.

PRIMROSE STREET—

West end of quarter section line, 110.0 feet.
Intersection of Primrose and Conn, 111.7 feet.
Intersection of Primrose and Henry (north side), 117.7 feet.
Intersection of Primrose and Henry (south side), 120.0 feet.
Intersection of Primrose and Herriford, 125.0 feet.

RYAN STREET—

Intersection of Ryan and Third, 129.0 feet.
Intersection of Ryan and Second, 130.5 feet.
276 feet south of Second, 132.0 feet.

ST. PAUL AVENUE—

156 feet north of Second, 129.0 feet.
Intersection of St. Paul and Second, 126.5 feet.
Intersection of St. Paul and Milwaukee, 114.0 feet.
130 feet south of Milwaukee, 108.0 feet.
220 feet south of Milwaukee, 106.0 feet.

SAMUEL STREET—

North end of H. & St. J. R. R. right-of-way, 102.0 feet.
300 feet north of Jameson street, 113.5 feet.
138 feet north of Jameson street, 118.0 feet.
Intersection of Samuel and Jameson, 117.0 feet.
Intersection of Samuel and South, 114.5 feet.

SECOND STREET—

265 feet west of Hickory, 101.5 feet.
Intersection of Hickory and Second, 109.0 feet.
Intersection of Second and Walnut, 122.0 feet.
Intersection of Second and Cherry, 128.0 feet.
Intersection of Second and Washington, 135.0 feet.
Intersection of Second and Locust, 137.5 feet.
Intersection of Second and Elm, 133.2 feet.
Intersection of Second and Vine, 131.0 feet.
Intersection of Second and Slack, 133.0 feet.
Intersection of Second and Ryan, 130.5 feet.
Intersection of Second and Herriford, 120.8 feet.
Intersection of Second and Brunswick, 108.0 feet.
For R. R. Under Crossing—
240 feet east of Brunswick, 100.0 feet.
260 feet east of Brunswick, 100.0 feet.
820 feet east of Brunswick, 100.0 feet.
20 feet east of C. M. & St. P. main track, 118.0 feet.

For R. R. grade crossing—

370 feet east of Brunswick, 100.0 feet.

Tops of C. M. & St. P. tracks, 131.0 feet.

269 feet west of St. Paul avenue, 128.0 feet.

109 feet west of St. Paul avenue, 127.7 feet.

Intersection of Second and St. Paul avenue, 126.5 feet.

Intersection of Second and Mitchell, 117.0 feet.

SLACK STREET—

Intersection of Slack and Third, 135.0 feet.

Intersection of Slack and Second, 133.0 feet.

Top of Wabash Railway Company's track, 223.8 feet.

SOUTH STREET—

200 feet west of Samuel, 111.5 feet.

305 feet west of Samuel, 112.5 feet.

Intersection of South and Samuel, 114.5 feet.

165 feet east of Samuel, 116.25 feet.

Intersection of South and Cowgill, 145.0 feet.

Intersection of South and Williams, 112.5 feet.

165 feet east of Williams, 115.5 feet.

Intersection of South and Graves, 114.4 feet.

SPRINGHILL AVENUE—

At north end city limits, 128.0 feet.

Intersection of Springhill street and Springhill street, 133.0 feet.

Intersection of Springhill street and Bryan, 132.5 feet.

Intersection of Springhill street and Polk street, 129.5 feet.

SPRINGHILL STREET—

Intersection of Springhill avenue and Springhill street, 133.0 feet.

Intersection of Springhill avenue and McAnnalley, 136.0 feet.

Intersection of Springhill avenue and Monroe, 135.0 feet.

Intersection of Springhill avenue and Walnut, 129.0 feet.

160 feet west of Cherry, 129.0 feet.

Intersection of Springhill and Cherry, 123.0 feet.

Intersection of Springhill and Washington, 131.0 feet.

Intersection of Springhill and Locust, 139.5 feet.

TENTH STREET—

Intersection of Tenth and Trenton, 156.0 feet.

Intersection of Tenth and Eastin, 153.6 feet.

Intersection of Tenth and Maple, 150.0 feet.

Intersection of Tenth and Oak, 154.0 feet.

Intersection of Tenth and Broadway, 152.5 feet.

THIRD STREET—

West end, 101.2 feet.

210 feet east of west end, 100.5 feet.

130 feet east of the above, 103.0 feet.

332 feet west of Dickinson, 115.7 feet.

Intersection of Third and Dickinson, 114.0 feet.

Intersection Third and Wilson, 111.84 feet.

Intersection of Third and Mansur, 110.22 feet.

Intersection of Third and Hickory, 109.52 feet.

Intersection of Third and Walnut, 113.0 feet.

Intersection of Third and Cherry, 122.8 feet.

Intersection of Third and Washington, 133.0 feet.

Intersection of Third and Locust, 140.0 feet.

Intersection of Third and Elm, 142.5 feet.

Intersection of Third and Vine, 141.5 feet.

Intersection of Third and Slack, 135.0 feet.

Intersection of Third and Hill, 130.5 feet.

Intersection of Third and Ryan, 129.0 feet.

Intersection of Third and Martin, 124.5 feet.

Intersection of Third and Herriford, 118.4 feet.

Intersection of Third and Brunswick, 105.5 feet.

132 feet east of Brunswick, 102.0 feet.

Intersection of Third and Egerton, 106.0 feet.

Intersection of Third and Jourdan, 121.0 feet.

Chicago, Milwaukee & St. Paul right-of-way, south side, 131.5 feet.

64 feet east of Chicago, Milwaukee & St. Paul main track, Bargdoll street, 133.75 feet.

200 feet east of Chicago, Milwaukee & St. Paul railroad track, Bargdoll street, 134.0 feet.

400 feet east of Chicago, Milwaukee & St. Paul railroad, 128.0 feet.

600 feet east of Chicago, & St. Paul railroad, 119.0 feet.

East line at range line, 111.2 feet.

TRENTON STREET—

Intersection of Trenton and Tenth, 156.0 feet.

Intersection of Trenton and Ninth, 149.6 feet.

Intersection of Trenton and Polk, 142.0 feet.

VINE STREET—

At the north end of Vine street, 152.5 feet.

Intersection of Vine and Ninth, 153.5 feet.

Intersection of Vine and Polk, 144.8 feet.

Intersection of Vine and Calhoun, 132.0 feet.

Intersection of Vine and Webster, 133.0 feet.

Intersection of Vine and Jackson, 129.0 feet.

Intersection of Vine and Clay, 129.5 feet.

Intersection of Vine and Ann, 142.0 feet.

188 feet south of Ann, 143.0 feet.

Intersection of Vine and Wise, 142.5 feet.

Intersection of Vine and Third, 141.5 feet.

Intersection of Vine and Second, 131.0 feet.

Intersection of Vine and First, 123.5 feet.

VIOLET STREET—

Intersection of Conn and Violet, 99.0 feet.

30 feet east, east side of Conn, 99.0 feet.

130 feet east of center of Conn, 100.5 feet.

Intersection of Violet and Henry, 105.0 feet.

Intersection of Violet and Herriford, 111.5 feet.

Intersection of Violet and Brunswick, 121.0 feet.

WALNUT STREET—

170 feet north of Springhill street, 125.0 feet.

Intersection of Walnut and Springhill streets, 129.0 feet.

Intersection of Walnut and Bryan, 140.0 feet.

Intersection of Walnut and Polk, 147.0 feet.

Intersection of Walnut and Cooper, 140.5 feet.

Intersection of Walnut and Calhoun, 132.5 feet.

Intersection of Walnut and Webster, 131.0 feet.

Intersection of Walnut and Jackson, 135.0 feet.

Intersection of Walnut and Clay, 141.6 feet.

180 feet south of Clay, 141.0 feet.

Intersection of Walnut and Ann, 124.5 feet.

Intersection of Walnut and Third, 113.0 feet.

Intersection of Walnut and Second, 122.0 feet.

Intersection of Walnut and First, 127.0 feet.

360 feet south of First, 119.0 feet.

WAPLES STREET—

Intersection of Waples and Cowgill, 111.0 feet.

Intersection of Waples and Williams, 118.0 feet.

166 feet east of Williams, 121.5 feet.

Intersection of Waples and Graves, (west side), 127.0 feet.

Intersection of Waples and Graves, (east side), 126.8 feet.

193 feet east of intersection of Waples and Graves, 132.5 feet.

Intersection of Waples and High, 131.0 feet.

Intersection of Waples and Church, 118.5 feet.

Intersection of Waples and Asher, 114.5 feet.

140 feet east of intersection of Waples and Asher, 113.5 feet.

Intersection of Waples and Liberia, 110.0 feet.

Intersection of Waples and Conn, 101.0 feet.

WASHINGTON STREET—

- Intersection of Washington and Springhill streets, 131.0 feet.
- Intersection of Washington and Bryan streets, 133.0 feet.
- South side of Bryan, 133.2 feet.
- 30 feet north of section line on Polk, 144.5 feet.
- Intersection of Washington and Polk section line, 145.0 feet.
- 200 feet south of the above, 150.0 feet.
- 50 feet south of the above, 150.0 feet.
- Intersection of Washington and Calhoun, 147.5 feet.
- Intersection of Washington and Webster, 148.3 feet.
- Intersection of Washington and Jackson (center), 148.0 feet.
- Intersection of Washington and Jackson (south side), 148.0 feet.
- Intersection of Washington and Clay, 142.5 feet.
- 238 feet south of Clay, 134.5 feet.
- Intersection of Washington and Ann, 130.0 feet, and 200 feet south thereof at 131.0 feet.
- Intersection of Washington and Third, 133.0 feet.
- Intersection of Washington and Second, 135.0 feet.
- Intersection of Washington and First, 128.5 feet.
- 210 feet south of intersection of Washington and First, 127.0 feet.
- 148 feet north of intersection of Washington and Leeper, 129.5 feet.
- 430 feet south of intersection of Washington and First, 130.25 feet.
- Intersection of Washington and Leeper, 131.0 feet.

WEBSTER STREET—

- At the west end of Webster, 98.5 feet.
- 90 feet east of west end, 102.5 feet.
- 500 feet west of Dickinson, 102.5 feet.
- Intersection of Webster and Dickinson, 118.0 feet.
- 300 feet east of intersection of Webster and Dickinson, 120.0 feet.
- 595 feet east of intersection of Webster and Dickinson, 118.0 feet.
- 281 feet west of intersection of Webster and Walnut, 123.0 feet.
- Intersection of Webster and Walnut, 131.0 feet.
- Intersection of Webster and Cherry, 139.5 feet.
- Intersection of Webster and Washington (west side), 148.3 feet.
- Intersection of Webster and Washington (east side), 148.3 feet.
- Intersection of Webster and Locust (west side), 150.7 feet.
- Intersection of Webster and Locust (east side), 150.7 feet.
- Intersection of Webster and Elm, 30 feet west, 144.0 feet.
- Intersection of Webster and Elm, 30 feet east, 143.0 feet.
- Intersection of Webster and Vine, 30 feet west, 133.5 feet.
- Intersection of Webster and Vine, 30 feet east, 132.5 feet.
- 218 feet east of the intersection of Webster and Vine, 126.0 feet.
- Intersection of Webster and Eastin, 25 feet west, 123.4 feet.
- Intersection of Webster and Eastin, 25 feet east, 123.4 feet.
- 290 feet east of the intersection of Webster and Eastin, 133.5 feet.

WEBSTER STREET—*Continued*—

- Intersection of Webster and Jefferson, 135.75 feet.
- Intersection of Webster and Woodward, 137.5 feet.
- Intersection of Webster and Broadway, 133.3 feet.
- 160 feet east of the intersection of Webster and Broadway, 131.0 feet.
- East end of C. M. & St. P. railroad right-of-way, 133.0 feet.

WILLIAMS STREET—

- At north end, 266 feet north of Waples, 107.5 feet.
- Intersection of Williams and Waples, 118.0 feet.
- 300 feet south of intersection of Williams and Waples, 126.0 feet.
- Intersection of Williams and Jameson, 122.0 feet.
- Intersection of Williams and South, 112.5 feet.

WILSON STREET—

- At the north end of Mansur street, 135.5 feet.
- 169 feet west of the above at the northeast corner of the cemetery, 135.5 feet.

238 feet south of the above, east of old cemetery, 130.5 feet.
At the north end of Wilson, 129.5 feet.
250 feet north of Third street, 119.0 feet.
Intersection of Wilson and Third, 111.84 feet.

WISE STREET—

Intersection of Wise and Vine, 142.5 feet.
Intersection of Wise and Hill, 130.75 feet.
Intersection of Wise and Martin, 120.5 feet.
259 feet east of intersection of Wise and Martin, 108.0 feet.

WOODWARD STREET—

Intersection of Woodward and Polk, 157.5 feet.
345 feet south of intersection of Woodward and Polk, 151.0 feet.
Intersection of Woodward and Calhoun, 145.0 feet.
Intersection of Woodward and Webster, 137.5 feet.
Intersection of Woodward and Jackson, 130.5 feet.
Intersection of Woodward and Clay, 120.5 feet.
Intersection of Woodward and Gale, 117.5 feet.
Intersection of Woodward and Herriman, 111.3 feet.

(R. O. 1903.)

ORDINANCE No. 20.

An Ordinance Concerning and Regulating the Digging and Excavating in the Streets, Alleys and Highways in the City of Chillicothe, Providing That All Excavations Made in Improved Streets Shall Be Done by the Street Commissioner of the City of Chillicothe, Requiring a Deposit of Double the Estimated Cost Thereof to Be Subject to the Payments of the Cost of Such Work, and Providing That the City Engineer May Grant Permission to Excavate Unimproved Streets, Providing a Penalty for the Violation of Said Ordinance.

Section 1. *Not to Make Excavations in Streets Without Permission.*—Be it ordained by the mayor and city Council of the city of Chillicothe, Missouri, That it shall be unlawful for any person, firm, company or corporation for any purpose, to dig or make, or cause to be dug or made, in, on, along or across any sidewalk, street, alley or highway of this city, any hole, ditch, trench or excavation of any kind whatever, without first having complied with the provisions of this ordinance and having first obtained from the city engineer permission in writing so to do.

Sec. 2. *Deposit Required.*—Every person, firm, company, or corporation desiring for any purpose, to dig or make, or cause to be dug or made, in, on, along or across any sidewalk, street, alley or highway of the city, any hole, ditch trench or excavation of any kind whatever, shall deposit in the city treasury double the amount of the estimated cost

thereof, as hereinafter provided, and the city treasurer shall receipt for said amount and hold same subject to the orders and payments as provided by this ordinance.

Sec. 3. *Estimate, Plans and Specifications Required—Street Commissioner to Make Excavation if in Improved Street.*—Before any person, firm, company or corporation shall for any purpose, dig or make, or cause to be dug or made, in, on, along or across any sidewalk, street, alley or highway of this city, any hole, ditch, trench or excavation of any kind whatever, he or they shall file with the city engineer an estimate of the cost thereof, plans and profiles of said work, the location thereof, stating when said work is to begin, and within what time to be completed, together with a receipt from the city treasurer for double the estimated cost thereof, and if said work is desired on an improved street, alley or highway, and if approved by the city engineer, he shall order the street commissioner to do said work, which said work shall be done by the street commissioner according to the plans and profile therefor and within the time allowed with as little damage to the pavement, curbing or other improvements as possible and shall refill such ditch or excavation and leave the surface of said street or highway in as good condition as when entered upon and when completed the street commissioner shall furnish the city treasurer with an itemized account of the cost thereof and the city treasurer shall pay said amount to the party or parties entitled thereto on order of the street commissioner and charge said amount to the sum on deposit in the city treasury and the balance thereof, if any, shall be paid to the party or parties depositing the same, but should it be desired to dig or make, or cause to be dug or made, in, on, along or across any unimproved streets, alleys or highways of the city, any hole, ditch, trench or excavation of any kind whatever, if the conditions as hereinbefore prescribed have complied with, the city engineer may give said party or parties permission which shall be in writing, to do or make said hole, ditch, trench or excavation; provided that said amount required to be deposited by this ordinance shall not be released until said party or parties shall have completed said work and made said surface of said street in as good condition as when entered upon, and if then approved by the street commissioner he shall order the city treasurer to release said amount on deposit.

Sec. 4. *To Fence and Light Excavations.*—Every person, firm, company or corporation who shall make excavation in, on, along or across any street, alley or highway of the city, shall cause the same to be fenced in with a substantial fence, and so placed as to prevent persons, animals or vehicles from falling into said excavation; and shall cause red lights to be securely placed on or near said excavation and shall keep such lights burning during the entire night.

Sec. 5. *Penalty.*—Any person or persons, corporation or association which, or any president, manager, superintendent or officer in charge of any corporation or association who shall violate or fail to comply with any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined no less than \$25 nor more than \$100.

Sec. 6. *Repealing Ordinance 73.*—Ordinance No. 73 of the revised ordinance of the City of Chillicothe, is hereby expressly repealed and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Passed and approved this 10th day of December, 1906.

ORDINANCE No. 21.

An Ordinance Relating to the Grading and Sub-Grading of the Streets, Alleys, Avenues, Highways, Lanes, Driveways, Blocks, Parts or Portions Thereof and the Public Grounds in the City of Chillicothe, Missouri.

Section 1. *Improvement to be on Established Grade.*—Be it ordained by the mayor and city council of the city of Chillicothe, Missouri, that before any street, alley, avenue, highway, lane, driveway, block, part or portion thereof or any of the public grounds in the City of Chillicothe, Missouri, shall be graded, the grade thereof shall have been first established by ordinance according to law.

Sec. 2. *Brought to Established Grade.*—After such grade has been established by ordinance and the city council of said city desires to grade the same, said council shall by ordinance, order such street, alley, avenue, highway, lane, driveway, block, part or portion thereof or any of the public grounds of said city, to be brought to the grade so established.

Sec. 3. *Brought to Sub-Grade for Paving.*—Before any street, alley, avenue, highway, lane, driveway, block, part or portion thereof or any of the public grounds in said city

shall be paved, curbed, graveled, macadamized, guttered, or otherwise permanently improved, the same shall be first brought to the established grade; provided, whenever any street, alley, avenue, highway, lane, driveway, block, part or portion thereof or any of the public grounds of said city is, in addition to being brought to the established grade, to be curbed, paved, graded, macadamized, guttered or otherwise permanently improved, the council may in addition to bringing same to the established grade, order same brought to the proper sub-grade and foundation for the receipt of the improvements.

Sec. 4. *Specification and Estimate of Grading.*—Before any ordinance shall be passed by the council ordering any street, alley, avenue, highway, lane, driveway, block, part or portion thereof, or any of the public grounds of said city to be brought to the established grade, or to a sub-grade or both, plans and specifications for same and an estimate of the probable cost thereof shall be made by the city engineer and submitted to the city council and by them approved and filed with the city clerk and placed of record, and no contract shall be entered into for any such work ordered, for a price exceeding such estimate, provided that no such estimate shall be required for the making of local or special repairs; which said plans and specifications shall be incorporated in and made a part of the ordinance calling for such improvements.

Sec. 5. *Advertise for Bids—Certified Check—Contract—Bond.*—After the passage and approval of such an ordinance the city auditor shall advertise in at least one paper published in said city for sealed proposals for the doing of the required improvements according to the plans and specifications therefor, prepared by the city engineer, and according to ordinance calling for such improvements, the first insertion of which advertisement shall be at least twenty days prior to the day specified for the opening of such bids, upon which day the said auditor in conjunction with the city treasurer and engineer, shall examine all of the proposals received, and shall award the contract for the doing of such work to the lowest responsible bidder, provided that the said bid of the person or persons to whom the contract is awarded shall not exceed the estimate furnished by the city engineer, and upon the approval of such award by the city council the mayor shall

execute in behalf of said city, contracts in triplicate with the successful bidder or bidders, which said contracts shall be executed within ten days after the approval of such award, each of which shall be countersigned by the city clerk under his official seal, and one copy thereof shall be filed with the city auditor, one shall be delivered to the city engineer and the third to the contractor; provided however that the city council shall have the right to reject any and all bids, and provided further that each bid shall be accompanied by a certified check of such amount as the council may designate to insure the making of the contract, and provided further that the person to whom the contract is awarded shall within ten days after the awarding of said contract, file his bond with the city clerk in such a sum as the city council may require, with good and sufficient sureties, to be approved by the mayor, conditioned to hold the city of Chillicothe, Missouri, free and clear from any and all claims, charges and liens for material, work and labor used or done in said improvements.

Sec. 6. *City Engineer to Oversee all Work—Report Progress—Approved By—Certify to Council.*—It shall be the duty of the city engineer to oversee all the work done and contemplated under this ordinance and report the progress and condition of the same from time to time to the city council, if they require, and said work when completed by the contractor and before the city shall receive and pay for the same, shall be approved by the city engineer who shall certify to the council that said work has been completed according to plans and specifications and ordinance for the same.

Sec. 7. *To be Received and Approved by City Council.*—All the work done and all material and labor furnished in the bringing of any street, alley, avenue, highway, lane, driveway, block, part or portion thereof or any of the public grounds in the city of Chillicothe, Missouri, to the established grade, or to a sub-grade or both, before being paid for as herein provided, shall be received and approved by the city council.

Sec. 8. *City to Pay for Improvement Upon Completion of Work—Appropriation.*—The City of Chillicothe, Missouri, shall pay for all material furnished and all the labor done in bringing to the established grade, or to a sub-grade or both, the streets, alleys, avenue, highways, lanes, driveways, blocks, parts or portions thereof and the public grounds in the city of Chillicothe, Missouri, the payment of which shall

be made out of the General Revenue Fund of said city and shall be due and payable to the contractor upon the completion of said work by the contractor after the same has been received and approved by the city council. Upon the approval of the award of any contract to any person or persons for the grading or sub-grading or both of any street, alley, avenue, highway, lane, driveway, block, part or portion thereof or any of the public grounds in the City of Chillicothe, Missouri, there shall be appropriated by the council out of the General Revenue Fund in the hands of the treasurer of said city, an amount equal to the estimate furnished by the city engineer of the cost of such improvement for the payment of the work, labor and material called for in said contract, which shall be held by said treasurer for the payment of no other debts of said city than that for which appropriated, nor shall the city council of said city, issue or draw any warrants against any sum so appropriated, except in payment of the debts for which appropriated.

Sec. 9. *Ordinances in Conflict Repealed.*—All ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

Passed and approved this 8th day of January, 1906.

ORDINANCE No. 22.

An Ordinance Relating to Paving, Graveling, Macadamizing, Guttering, Curbing and Otherwise Improving the Streets, Alleys, Avenues and Public Highways, Blocks or Parts Thereof in the City of Chillicothe, Missouri.

Section 1. *Resolution—Kind, Quality and Dimensions of the Material—Estimates of Costs—Publication of—Resident Owners Remonstrate.*—Be it ordained by the mayor and city council of the city of Chillicothe, Missouri. That when the city council of the City of Chillicothe, Missouri, shall deem it necessary to pave, gravel, macadamize, gutter, curb and otherwise improve any of the streets, alleys, avenues, highways, blocks, parts or portions thereof in the City of Chillicothe, Missouri, the council shall, by resolution, declare such work or improvement necessary to be done, which resolution shall describe the street, alley, avenue, highway, block, part or portion thereof to be improved, and the extent thereof, and the nature of the improvement, kind, quality and dimensions:

of the material to be used, and the estimate of the probable cost of said improvement. Such resolution shall be published in some daily newspaper, published in the City of Chillicothe, Missouri, for six consecutive issues of such paper, notifying persons whose property is liable for taxation to pay for such improvement, of the proposed improvement, and "if the resident owners of a majority of feet liable to taxation therefor, shall not, within ten days thereafter, file with the clerk of the city their protest and remonstrance against such improvement being made, then the council shall have power by ordinance to cause such improvement to be made,' and to contract therefor, and to assess and levy the tax as herein provided, to pay for the same.

Sec. 2. *Cost of Grading and Excavating Paid by City.*—The cost of all work, labor and material in grading, excavating and filling all streets, alleys, avenues and public highways, blocks, parts or portions thereof, in including the squares and areas as formed by the intersecting, crossing and meeting of streets, alleys, and other highways, parts or portions thereof or connecting therewith, necessary to bring the same to the sub-grade, and to keep all improvements made under this ordinance in repair, shall be paid by the City of Chillicothe, Missouri, out of the General Revenue Fund.

Sec. 3. *Plans, Specifications and Estimates by City Engineer—Approved by Council—Cannot Contract For More Than Estimate.*—Before the council shall pass any resolution or ordinance for the improvement of any street, alley, avenue, highway, block, part or portion thereof as called for in section one, the plans and specifications for such improvement and an estimate of the cost thereof shall be made by the city engineer and submitted to the council and by them approved and filed with the city clerk and placed of record, and no contract shall be entered into for any such work or improvement, for a price exceeding such estimate, provided that no such estimate shall be required for the making of any local or special repairs.

Sec. 4. *Estimate to Contain Name of Property Owner and Description Thereof.*—It shall be the duty of the city engineer in his estimate to give the names of all the owners of property liable for taxation for such improvement, so far as he is able to ascertain, and the number of the lot and block or other sub-division as well as the number of front feet thereof.

Sec. 5. *Resident Property Owners May Remonstrate Within Ten Days After Passage and Publication of Resolution—If no Remonstrance is Filed, Council to Pass Ordinance Calling for Improvement.*—If after the passage and publication of such resolution, the resident owners of a majority of feet, at the time of the passage of such resolution, liable to be taxed for such improvement, have not, within ten days thereafter, filed with the city clerk their protest and remonstrance against such improvement being made as required by section one hereof, then the council shall pass an ordinance providing for and ordering said improvement to be made, describing the street, alley, avenue, highway, block, part or portion thereof to be improved, and the extent thereof, and shall specify in said ordinance the nature of the improvement, as well as the kind, quality, and dimensions of the material to be used and the manner in which the improvement shall be done, and shall incorporate in and make a part of said ordinance, the plans and specifications for such improvement as furnished by the city engineer.

Sec. 6. *Auditor to Advertise for Bids—Price Not to Exceed Estimate—Contract—Bond.*—After the passage and approval of such an ordinance the city auditor shall advertise in at least one paper, published in said city, for sealed proposals for the doing of the required improvement, according to the plans and specifications therefor prepared by the city engineer and according to the ordinance calling for such improvement, the first insertion of which advertisement shall be at least twenty days prior to the day specified for the opening of such bids, upon which day the said auditor, in conjunction with the city treasurer and engineer, shall examine all the proposals received, and the contract for such improvement shall be awarded to the lowest responsible bidder, provided such bid does not exceed the estimate of the engineer, and upon the approval of such award by the city council, the mayor shall execute in behalf of said city, contracts in triplicate with the successful bidder or bidders, which said contracts shall be executed within ten days after the approval of such award, each of which shall be countersigned by the city clerk under his official seal, and one copy thereof shall be filed with the city auditor, one shall be delivered to the city engineer and the third to the contractor; provided however, the city council shall have the right to reject any and all bids; and provided further that each bid shall be accompanied by

a certified check of such amount as the council may designate to insure the making of the contract; and provided further that the person to whom the contract is awarded, shall within ten days after the awarding of said contract file his bond with the city clerk, in such sum as the city council may require, with good and sufficient sureties, to be approved by the mayor, conditioned to hold the city of Chillicothe, Missouri, free and clear from any and all claims, charges and liens for material, work and labor used or done in said improvements, except such as the said city shall be liable therefor.

Sec. 7. *City Engineer to Oversee Work—Report Progress—Approved by—Certify to Council.*—It shall be the duty of the city engineer to oversee all the work done or contemplated under this ordinance, and report the progress and condition of said work from time to time to the city council, if they so require, and said work when completed by the contractor, and before the city shall receive the same, shall be approved by the city engineer, who shall certify to the council that said work has been completed according to plans and specifications, ordinances and contracts for the same.

Sec. 8. *Property Belonging to City, Subject to Assessment for Improvement.*—When any property owned by the city of Chillicothe, Missouri, is so situated that it would, if owned by an individual, be liable for its proportionate share of the cost of any improvement ordered under this ordinance, such property shall be liable for its share of the cost of such improvement, the same as if owned by an individual, and the city of Chillicothe, Missouri, shall pay for same upon completion of said improvements and approval and acceptance of the same.

Sec. 9. *Abutting Property to be Taxed—Each Block Assessed Separately—Lien on Property.*—For the paying for all such improvements, the city council shall, after said work has been completed and accepted by them, assess and levy by ordinance a tax on the owner of the property, lot or lots or pieces of ground fronting or abutting on such improvements. The assessment to be made for each block separately, in proportion to the front footage, on all lots or pieces of ground on either side of the improvement, which said tax so levied, shall be a lien on the property so fronting or abutting on the said improvements.

Sec. 10. *Special Tax Bill—City Not Liable.*—The person, persons, or corporations receiving the contract for such

improvement, shall receive pay for such improvement and for furnishing all the work, labor, materials, tools and implements for the same in special tax bills issued against the property liable therefor, which shall be received by said contractor in full payment for all said improvement, labor, work, material, tools and implements so furnished by him, and the city of Chillicothe, shall not in any event be liable to said contract or for any of the said improvements and for any such work, labor, material, tools, and implements so furnished, except for such property of said city subject to taxation as in section eight set out.

Sec. 11. *Special Tax Bill Made by City Engineer—Assessment, Each Block Separately—Description of Property and Name of Owner—Signed by Mayor, Attested by City Clerk.*—The city engineer of said city shall make out the said special tax bills for the amount of the tax to be paid by the owner of each lot and every lot and piece of ground liable for taxation, the assessment to be made for each block separately in proportion to the front footage, and shall state therein the number of the lot or other proper description, to fully designate each lot or piece of ground, and the name of the owner thereof, the total costs of the improvements, the particular lot or piece of ground for which said special tax bill is issued and the amount of the tax assessed against each lot or piece of ground, all of said special tax bills shall be signed, certified and delivered by the city engineer to the city clerk who shall attest the same by his signature, and have the mayor sign same.

Sec. 12. *Special Tax Bill Registered by City Clerk—Delivered to Contractor—Receipt in Full.*—The city clerk shall register all tax bills issued as aforesaid in his office and deliver the same to the contractor entitled to them at the completion and acceptance of the said improvements, and take receipt of such contractor in full for all claims against the city of Chillicothe, Missouri, on account of said work.

Sec. 13. *Special Tax Bill to Bear Interest—A Lien on Property—May be Paid in Three Annual Installments.*—Such special tax bills shall bear interest after thirty days from the date of issue, at the rate of ten per cent per annum, and shall be a lien against the lot or piece of ground described in the same till paid, and if not paid within six months after the date of issuance then they shall bear interest at the rate of fifteen per cent per annum until paid.

Such tax bills may be paid in three annual installments, one-third in one year, one-third in two years, one-third in three years, from date of issue thereof, each payment to bear interest at the rate of six per cent per annum from date of issue to date of payment; provided that the owner of any lot or parcel of ground fronting on any of said improvements shall, within ten days after the letting of the contract of such work, notify the city clerk in writing, that he desires to pay for the same in three annual payments. In such cases, the city engineer shall make out three special tax bills, which shall be signed by the mayor and attested by the city clerk each for one-third part of the costs of such improvements, bearing interest as aforesaid, the rate of which is hereby fixed at six per cent per annum and deliver the same to the contractor for the work, and every tax bill shall be a lien on such lot or parcel of ground therein described, and such lien shall continue for one year, from maturity of the tax bill last becoming due, until paid or until the final determination of any legal proceedings to collect the same, but no such suit shall be brought on the same until after the maturity of all such tax bills.

Sec. 14. *Special Tax Bill Assignable—Action on—City Not Liable for Cost—Prima Facie Evidence.*—Such tax bills shall be assignable and collectible in any action brought in the name of the city of Chillicothe, Missouri, to the use of the holder thereof in any court having jurisdiction of suits for the collection of the city delinquent taxes, and such suit shall be governed by the same rules and like proceedings had on judgments, as provided for the enforcement and collection of the delinquent taxes of the city of Chillicothe, Missouri, by suits in court, but the city of Chillicothe, shall not in any event be liable for any costs that may accrue in such action. Such special tax bills shall, in any action thereon, be prima facie evidence of the regularity of the proceedings for such special assessments, of the validity of the bill, of the doing of the work, and of the furnishing of the material charged for, and of the liability of the property to the charge stated in the bill.

Sec. 15. *Council to Approve Work—Ordinance Not Retroactive.*—All work done as herein provided, and before any tax bill shall be issued to the contractor in payment therefor, shall be received and approved by the city council.

This ordinance shall not be considered to be, and is not retroactive or retrospective. And all contracts, rights and benefits made, accruing and attaching to any person or vesting in any one and all liabilities created by virtue of any prior ordinances of the city of Chillicothe, Missouri, shall not be affected or invalidated hereby.

Sec. 16. *Conflicting Ordinances Repealed.*—All Ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed. (Passed and approved the 8th day of January, 1906.)

ORDINANCE No. 23.

An Ordinance Making It the Duty of Railroad Corporations Within the Limits of Chillicothe, Missouri, to Grade, Construct, Reconstruct, Pave, Gutter, Curb and Otherwise Improve and Repair All Streets, Alleys, Avenues, Public Highways and Sidewalks, Where the Railroad Track of Such Corporation Crosses or Abuts Any Public Street, Alley, Avenue or Highway in the City; and Making the Real Property of Such Corporation, Including Right-of-Ways, Yards and Depot Grounds Situated Within the Limits of the City, Subject to Special Assessments, and for the Enforcement and Collection of Such Special Assessments Against the Real Property of Such Railroad Corporation.

Section 1. *Duty of Railroad to Improve Crossings, Etc.*—Be it ordained by the mayor and city council of the city of Chillicothe, Missouri: That it shall be the duty of all railroad corporations owning or operating any railroad within the city limits of Chillicothe, Missouri, when required by an ordinance of the city duly passed, to grade, construct, reconstruct, pave, gutter, curb or otherwise improve or repair any street, alley, avenue, public highway, or sidewalk or any part or parts thereof, where the same crosses, abutts or adjoins the right of way of such corporation, to the same extent, of like materials and of as good quality as the city has or shall require by ordinance of the property owners abutting upon such street, alley, avenue or highway, or sidewalk or any part or parts thereof, so ordered graded, constructed, reconstructed, paved, guttered, curbed, or otherwise improved or repaired.

Sec. 2. *Railroad to be Served With Notice.*—When the city council shall by ordinance direct any street, alley, avenue,

public highway or sidewalk, or any part or parts thereof, improved or repaired as named in section 1 of this ordinance, the city council shall order the city engineer to serve a written notice on such railroad corporation, to improve such street, alley, avenue or public highway, or part or parts thereof, where the same crosses, abutts or adjoins the right of way of such corporation in the city as required by such ordinance.

Sec. 3. *Notice—How Served.*—The notice mentioned in section 2 of this ordinance shall be served by delivering a copy of the same to the station agent of such railroad corporation nearest to the street, alley, avenue, public highway or sidewalk over or upon which said railroad crosses, abutts or adjoins. It shall be sufficient for the said notice to specify the general nature of the improvement required by the ordinance aforesaid, and give the number of the ordinance, and the date of its passage. If the railroad corporation after being served with notice as aforesaid shall neglect or refuse to make the improvement required in such ordinance within thirty days after service of said notice, the city may proceed to grade, construct, reconstruct, pave, gutter, curb, or otherwise improve, or repair such street, alley, avenue, public highway or sidewalk, where the same crosses, abutts or adjoins the same as such ordinance provides.

Sec. 4. *Railroad Failing to Make Improvement—City to Let Contract.*—Whenever such railroad corporation shall fail or neglect to make the improvement ordered made by any ordinance passed by the city council, as provided for in this ordinance, it shall be lawful for the city to let the contract as provided for in section 6 of this ordinance for the doing of the work and furnishing of the material called for in the ordinance requiring such improvements to be made.

Sec. 5. *City Engineer to Submit Plans, Specifications, Etc.*—If any railroad corporation shall neglect or refuse to make such improvement or repairs after service of notice as required by this ordinance, the city council shall direct the city engineer to make plans, specifications and an estimate of the cost of such improvements or repairs, which shall be submitted to the council. If the city council shall approve the report made by the city engineer, the same shall be ordered filed with the city clerk and placed of record, and no contract shall be entered into for such improvement or repairs for a price exceeding such estimate.

Sec. 6. *City Auditor to Advertise for Bids.*—After the plans, specifications and estimate named in the preceding section have been approved by the city council, the city auditor shall advertise for sealed bids for the doing of the work, and furnishing of the material according to the plans and specifications of the city engineer therefor and according to the ordinance calling for such improvement or repairs. All the provisions of Section 6, of Ordinance No. 22, of the Revised Ordinances of the City, shall, in such cases, apply and govern in the advertisement and letting of the contract, and said section of said ordinance is hereby adopted and made a part of this ordinance the same as though the same was copied herein and made a part hereof.

Sec. 7. *Railroad to Pave Right of Way at Street Crossings.*—When the right of way of any railroad corporation owning or operating a railroad inside the limits of said city, crosses, abuts or adjoins any street, alley, avenue, public highway or part or parts thereof, and such street, alley, avenue, or public highway or part or parts thereof has been graded, constructed, reconstructed, paved, guttered or curbed or otherwise improved to the side and line of the right of way of the railroad corporation, and the city council shall thereafter determine that it is necessary to extend such improvement on such street, alley, avenue or public highway or parts thereof, across the right of way of such railroad corporation, the city council shall pass an ordinance ordering such extension to be made; the extension across the right of way shall be of the same width and of like material as that therefor required of the property owners, and made on any such street, alley, avenue or public highway or part thereof, where the same abuts or adjoins the line and side of the right of way of such corporation aforesaid; and on failure or neglect of such railroad corporation to make such extension and improvement across its right of way, after notice as required by this ordinance, it shall be lawful for the city to cause such extension and improvement to be made as provided by this ordinance and this ordinance ordering such extension and improvement to be made as aforesaid, and the cost of such extension and improvement, across the right of way of such railroad corporation, shall be levied and assessed against the railroad corporation's property and payment may be enforced as provided for by this ordinance.

Sec. 8. *City Engineer to Oversee and Approve Work.*—

It shall be the duty of the city engineer to oversee all the work done or contemplated under this ordinance, and report the progress and condition of said work from time to time to the city council, if they so require, and said work when completed by the contractor, and before the city shall receive the same, shall be approved by the city engineer, who shall certify to the council that said work has been completed according to plans and specifications, ordinances and contracts for the same.

Sec. 9. *To assess and Levy Tax Against Railroad Property.*—For the paying of all such improvements or repairs, the city council shall, after the work is completed and accepted, assess and levy by ordinance a tax on the real property, including right of way, yards and depot grounds owned or controlled by such railroad corporation within the city limits of said city; said tax and assessment shall be in a sufficient amount to cover the contract price for the making of such improvements.

Sec. 10. *To Issue Tax Bill Against Property, Right to Sue on Same.*—After the assessment and levy has been made by the city council as named in the preceding section, the city engineer shall make out a tax bill or bills against the property against which the tax has been assessed and deliver the same to the city clerk who shall register the same in his office and deliver the same to the contractor entitled to receive such tax bill or bills, and take the receipt of such contractor in full for all claims against the city of Chillicothe, Missouri; and the contractor receiving such special tax bills shall have the right to sue the railroad corporation, liable therefor, in the name of the city of Chillicothe, Missouri, to his use and benefit. The plaintiff in such action shall be entitled to recover in such suit in any court of competent jurisdiction, double the amount of the tax bill or bills sued on for the failure, neglect or refusal of such railroad corporation to make such improvements, as provided by an act of the legislature of the State of Missouri, passed and approved on the 6th day of March, 1905.

Passed and approved this the 10th day of August, 1908.

ORDINANCE No. 24.

An Ordinance in Relation to Building and Constructing Sidewalks, Providing for the Manner of Their Building and Construction, to Be Paid for by the Owners of Property Along and in Front of Which Said Sidewalks are Built and Constructed; How the Lien Against the Property for the Cost May Be Enforced; Cost of Construction to Be Paid the Contractor by Special Tax Bills Against the Property.

Section 1. *Power to Cause Sidewalk to be Built.*—Be it ordained by the mayor and city council of the city of Chillicothe, Missouri, that the city council of the city of Chillicothe, Missouri, shall have power, by ordinance, to cause to be built and constructed, sidewalks in front of and along any property, lot or lots on any street, alley, avenue or public highway within the city of Chillicothe, Missouri; such ordinances providing for such improvements shall designate the street, alley, avenue or public highway along which said sidewalk is to be built and constructed, and the side of said street, the width of said sidewalk, the material of which same is to be composed, and describing the property, lot or lots in front of or along which said sidewalk is to be built and constructed.

Sec. 2. *Cost to be Paid by Owner of Property, Lien.*—The cost of building and constructing all sidewalks, including all necessary grading, excavating and filling, in the city of Chillicothe, Missouri, shall be paid by the owner of the property, lot or lots in front of and along which sidewalks are built and constructed, and shall be a lien on such property, lot or lots until paid; and collected by special tax bills which shall be a lien on the property, lot or lots.

Sec. 3. *City Engineer to Make Estimate of Cost.*—Before any ordinance shall be passed ordering any sidewalk built or constructed, the council shall order the city engineer to make an estimate of the cost of building and constructing said sidewalk including all necessary grading, excavating or filling, such estimate shall be for the cost of the material, labor, excavating, grading or filling, separately, for each piece of property or lot in front of and along which a sidewalk is to be built and constructed, the name of the street, alley, avenue or highway where said property is located and which side thereof, width and length of sidewalk.

Sec 4. *Sidewalks to Conform to Established Grade.*—All sidewalks shall be built and constructed on the established grade of the street on which said sidewalk is built; and no walk shall be built and constructed on any street, alley, avenue or highway until the grade of said street shall have been first established as provided by law.

Sec. 5. *Shall Condemn old Sidewalk, When Same Removed by City.*—The city council may by ordinance, condemn and order removed any sidewalk on any street, alley, avenue, or highway, that may be out of repair, or that is not on the proper street grade, or that is not uniform with the other sidewalks in the same block and on the same side of the street, alley, avenue or highway; and no new sidewalk shall be built and constructed where sidewalks now are, until such sidewalk shall have been condemned by ordinance; when any sidewalk shall have been condemned by ordinance as aforesaid and a new sidewalk ordered built and constructed, as provided by this ordinance, and the owner of the lot or property along or in front of which said condemned sidewalk is located shall, after notice of such condemnation or order of removal, refuse or neglect to remove the old material of which such sidewalk is constructed, then the city engineer shall cause the same to be removed at the expense of the city. It shall be unlawful for any contractor or other person to use any of the old material of which any condemned sidewalk may have been constructed in the construction of any new sidewalk or otherwise without the consent of the owner of the lot or property in front of such condemned sidewalks.

Sec. 6. *Dimensions, Material and Size.*—All sidewalks in this city hereafter built and constructed shall be built and constructed with good artificial stone, and all sidewalks shall be not less than five feet wide, unless otherwise ordered by the city council provided, sidewalks may be built and constructed with good hard burnt sidewalk brick when permission shall have been granted by the city council, and so ordered in the ordinance calling for same; provided, however, that no sidewalk, other than artificial stone, shall be built and constructed within 6 blocks of the public square. All sidewalks shall be laid and built according to the following respective specifications, herein made and provided, unless otherwise provided by the city council.

Artificial Stone Walk—Specifications for Grading.—All grading which may be necessary to be done to prepare the sub-

grade for the reception of the walk, or in order to protect the same, shall be made of such dimensions and depth as shown by the city engineer's grade stakes, whose duty it shall be to show the grade by setting grade stakes. When fills are necessary, a shoulder, flush with the finished surface of the walk, shall extend at least 18 inches beyond the two external edges of the same. Fills shall be made in layers not to exceed 6 inches, must be well tamped and when finished have a side slope of one foot perpendicular to one and one half foot horizontal.

Sub-Foundation.—A sub-foundation of cinders, gravel, broken stone or good hard burned brick bats, of not less than four inches in depth, shall be placed upon the sub-grade and shall be well consolidated by ramming to an even surface, and shall be well moistened just before the concrete is placed thereon.

Mould Strips.—The mould strips shall be 2 inches thick by 4 inches wide and shall be blocked under the ends and centers and carefully straight edged, care being taken that the strips are parallel with the engineer's line stakes and to conform to the height of his grade stakes. The walks shall be laid with a drop of one-fourth of an inch to the foot towards the curb line.

Stone Flagging.—Artificial stone flagging to consist of two parts, viz: 1st. A bottom course of 3 1-2 inches in depth. 2nd. A finishing or wearing course of one-half an inch in depth, shall be laid upon the sub-foundation. The bottom course shall be composed of crushed granite, crushed limestone, free from dust or dirt, or washed Grand River gravel (said stone or gravel not to exceed 3-4 of an inch in its greatest dimensions,) Grand River sand and Portland cement, which shall be mixed dry in the following measured proportions, viz.: 3 parts stone or gravel, 2 parts sand and one part cement, and then sufficient clean water shall be added by sprinkling, while the material is constantly worked, until it becomes a thorough and plastic mortar. This mass shall be spread upon the sub-foundation and rammed until all the interstices are thoroughly filled with the cement.

The finishing or wearing course shall consist of a stiff mortar composed of equal parts of Portland cement and good coarse clean Grand River sand, or some other as good, to be laid to a depth of one-half inch, carefully smoothed to an even surface and thoroughly troweled. Walks shall be cut

into blocks of not more than 30 square feet and to insure complete separation of blocks the groove shall be cut through into the ground base with a spud or trowel.

When the pavement is completed it shall not be open for travel for a period of three days and shall be kept constantly watered for at least 2 days after completion.

Brick Walk—Specifications of Grading.—All grading shall be the same as provided in specifications for artificial stone walks.

Foundation.—A foundation of 4 inches of good clean coarse Grand River sand or some other as good, shall be laid upon the sub-grade and struck to an even surface with a template board moved along guide boards.

Bricks, How Laid, Size, Etc.—Upon the sand foundation thus prepared shall be set the bricks, the same to be set flat, and the longest dimensions at an angle of 45 degrees with the street lines. The brick shall be of the best quality sidewalk brick and of the usual dimensions, viz: 2x4x8 inches. They must be whole brick, thoroughly burned, uniform in size, shape and structure and free from warps and other distortions.

The bricks must be carefully set on the sand foundation so as to break joints at least 3 inches with the bricks of the preceding course and close jointed ends and sides. On the bricks so laid shall be placed a layer of sand sufficient to fill the joints, the same to be thoroughly broomed or brushed into all the cracks or joints between the bricks.

Curbing.—A curbing to consist of brick shall be set endwise along both edges of the walk, same to be close and compact and shall lack at least one inch of being flush with the surface of the walk. The finished surface of the walk must conform to the grade and alignment stakes as set by the engineer. When a brick curbing is impracticable, a curbing shall be built and constructed as provided by ordinance ordering same.

Sec. 7. *Width of Sidewalk, Shall Be Uniform.*—The width of all sidewalks shall be uniform along each street, lane, avenue, or highway, unless a change shall be deemed necessary in which case such change may be permitted by the city council, provided, that no change in width or material, in the building and constructing of any sidewalk, shall be permitted so as to change the uniformity of sidewalks in the same block and on same side of the street or other highway.

Sec. 8. *Shall Advertise for Bids; Awarding of Contract; And Bond.*—After the city council has passed an ordinance for the constructing and building of any sidewalk on or along any street, lane, alley, avenue or highway, the city auditor shall at once advertise in the official paper of the city for sealed bids for the doing of the work and furnishing the material in building and constructing (including necessary grading, excavating and filling) of such sidewalk or sidewalks, the first insertion of said advertisement shall be at least 20 days prior to the day specified for the opening of such bids, upon which day the city auditor in conjunction with the city engineer and city treasurer, shall examine all the proposals received, and the contract shall be awarded to the lowest responsible bidder, provided such bid does not exceed the estimate of the city engineer, and upon the approval of such award by the city council, the mayor shall execute in behalf of the city contracts in triplicate with the successful bidder or bidders, which said contract, which said contracts shall be executed within 10 days after the approval of such award and each of which shall be countersigned by the city clerk under his official seal; and a copy thereof shall be filed with the city auditor; one shall be delivered to the city engineer and the third to the contractor; provided that the city council shall have the right to reject any and all bids. Provided, further, that the person to whom the contract is awarded shall within 10 days thereafter file his bond with the city clerk, in double the amount of said contract with good and sufficient sureties, to be approved by the mayor, conditioned to hold the city of Chillicothe, Missouri, free and clear from any and all claims, charges and liens for material, work and labor used or done in said sidewalk or sidewalks and for any and all claims, charges, damages or costs, resulting by reason of any negligence or unskillfulness of the said contractor or any of his servants, agents or employes, and conditioned to make all repairs made necessary by defective workmanship or material, for two years after the completion thereof.

Sec. 9. *Cost to be Computed; Special Tax Bill to Issue Against Property.*—When any sidewalk or sidewalks along and in front of any property, lot, block or portion thereof, on any street, alley, lane, avenue or highway, shall have been completed by any contractor, and accepted by the city engineer and city council, as provided by this ordinance, the engineer shall at once compute the cost and expense to be charged

against each property, lot or piece of ground, in the manner provided in this ordinance, and report the same in writing to the city council. The contractor receiving the contracts for such improvements shall receive pay for same and for all work, labor and materials in special tax bills against the property liable therefor as provided in this ordinance.

Sec. 10. *Property Liable for Costs; Acceptance; Tax Bill; Lien on Property; to Draw Interest; Suits on Tax Bill; City Not Liable For Costs.*—Whenever a sidewalk shall be built and constructed, each lot or piece of ground in front of or along which such sidewalk is built or constructed, shall be liable for the cost and expense of such improvement, including necessary grading, excavating and filling; before the city council shall assess the cost and expense for the construction or reconstruction of any sidewalk against any lot or piece of ground for such improvements, the same shall have been accepted by the city engineer who shall report his acceptance in writing to the city council, and said sidewalk shall be accepted by the city council. After the city engineer files acceptance and said work is accepted by the council and cost thereof computed, the city council shall by ordinance, assess and levy the amount of the cost and expense of making such improvement, against each lot or piece of ground and property in front of and along which said sidewalk is built and constructed for the amount of such cost and expense, as aforesaid, and cause a special tax bill to be made out by the city engineer in favor of the contractor, against each lot or piece of ground so in front of or along which said sidewalk is built and constructed, and the owner thereof, which tax bill when made out and properly certified by the city engineer and signed by the mayor, attested by the city clerk and the seal of the city as provided by this ordinance, shall be a lien against the lot or piece of ground described therein, and shall be delivered to the contractor in full payment for the doing of such work and labor and furnishing the material for such sidewalk, and if not paid by the owner or owners of the lot or pieces of ground described in the tax bill, within 30 days from the time the same is issued, shall draw interest at the rate of 10 per cent per annum after 30 days from the date of issue thereof, and if not paid in six months from the date of issuance, to bear 15 per cent interest per annum until paid; and in case the owner of the property liable for the special tax is a non-resident of the state, suit may be brought as in other

suits in rem against non-residents. Suits may be brought on such special tax bills in the name of the city to the use of the holder thereof in any court having jurisdiction of suits for the collection of the delinquent taxes of the city, and such suits shall be governed by the same rules, and like proceedings had on judgments as provided for the enforcement and collection of the city's delinquent taxes by suits in court; such special tax bills shall in any action thereon be *prima facie* evidence of the regularity of the proceedings for such special assessments, of the validity of the bill, of the doing of the work, and of the furnishing of the materials charged for, and of the liability of the property to the charge stated in the bill. The delivery of the said tax bills to the contractor who did the work and furnished the material shall be sufficient to entitle the holder thereof to enforce the payment and lien as provided by this ordinance, but the city shall not, in any event, be liable for any costs that may accrue in actions brought by the contractor or assignee to enforce the collection and lien against the property described in such special tax bills.

Sec. 11. *Corner Lots; Owner Liable For Cost.*—The owner or owners of corner lots or pieces of ground in each block or sub-division thereof, shall be liable for the cost of building and constructing sidewalks across the squares or areas formed by the intersection or meeting of sidewalks at corner lots or pieces of ground in each block or sub-division thereof, to the outside sidewalk curb line, each way, and said cost shall be a lien thereon and paid for as herein provided, and the city shall pave, build and construct the extensions of such sidewalks, at such corner lots or pieces of ground in each block or sub-division thereof, to the adjacent curb line of the pavement in the street in front of all corner lots or pieces of ground, each way, on all paved streets or highways in the city.

Sec. 12. *To Re-Advertise When no Bids Received.*—If after having advertised for bids for the building and constructing of sidewalks under any ordinance and no bids are received, the city council may cause the same to be re-advertised by the city auditor, for bids in the same manner as in the first instance under the ordinance or ordinances theretofore passed authorizing said improvements.

Sec. 13. *City to Construct Sidewalk, When; Property Liable; Tax Bill in Favor of City; Tax Bill Assignable.*—Whenever the city shall have by ordinance provided for the

building and construction of any sidewalk and shall have advertised in the manner provided in this ordinance, for bids for building and constructing same, and shall receive no bids therefor and shall have re-advertised as provided herein for bids for construction of such sidewalks and shall receive no bids therefor, the city may proceed to build and construct any, such sidewalk at its own expense. In all such cases such building and construction shall be done under the supervision and direction of the city engineer. Said city engineer shall keep an accurate account of the amount expended for labor and material, including necessary grading, excavating and filling in front of and along each piece of property, lot or lots, and present the same to the city council for assessment. Each piece of property, lot or lots in front of and along which sidewalks are built and constructed shall be liable for the cost thereof, and reported to the council by the city engineer; and the cost of building and constructing each sidewalk shall be assessed by ordinance by the city council against each piece of property, lot or lots in front of and along which such sidewalk is built and constructed; and the city engineer shall issue tax bills payable to the city against each piece of property, lot or lots for the amount for which it is liable.

And all tax bills shall be assignable and shall be a lien on the piece of property, lot or lots described therein until paid and shall be collectible in any action brought in the name of the city to the use of the holder thereof or in any action brought by the city in its own name and for its own use. But where any such tax bill has been assigned, the city shall not in any event be liable for any cost which may accrue in any action thereon, nor will the city be liable for the amount of any tax bill after the same is so assigned.

Section 14. *Tax Bills to be Registered; Delivered to Contractor; Receipt.*—The city clerk shall register all tax bills issued as aforesaid in his office and deliver the same to the contractor entitled to them, and take a receipt of such contractor in full for all claims against the city of Chillicothe, Missouri, on account of work and materials, for the building and constructing, including necessary grading, excavating or filling of sidewalks in front of and along any lot or piece of ground described in such special tax bill or bills, and the city shall not be held liable to the contractor or his assigns in any suit at law or in equity on account of such tax bills.

Sec. 15. *Special Tax Bill to be Made by City Engineer;*

What it Shall Contain.—The city engineer shall make out the special tax bills for the amount of the tax to be paid by the owner of each piece of property, lot or lots liable for the cost of the building and constructing of sidewalks, and shall describe therein the piece of property, lot or lots liable for such improvements and the name of the owner thereof and the street and the side thereof where built, the amount for which said property or lot is liable, the material of which such walk is built and constructed, the length and width of said walk, number and date of passage of ordinance under which such walk was built and constructed; shall state the completion and acceptance of said walk, number and date of passage of ordinance levying and assessing such tax, the rate of interest the same should bear and the date of issuance of such tax bill, all of said tax bills to be signed by the city engineer and delivered to the city clerk who shall attest the same by his signature and have the mayor sign the same.

Section 16. *Special Tax Bills; How Paid, Etc.*—Special tax bills for the building and construction of sidewalks, issued under this ordinance, may be paid in three annual installments, one-third in one year, one-third in two years, and one-third in three years, from the date of the issue thereof, each payment to bear interest from date of issue to date of payment as named in this section; provided, that the owner of any property, lot or lots fronting on such street, alley, lane, avenue or highway, in front of and along which a sidewalk may be ordered built and constructed as provided by this ordinance, shall within 10 days after the letting of the contract for the building and construction of any such sidewalk, notify the city clerk in writing, that he desires to pay for the same in three annual payments, in such cases the city clerk shall notify the city engineer of the desire of such owner, and the city engineer shall, in such cases, make out three special tax bills each for one-third part of the cost of such work and improvement, each to bear interest at the rate of 8 per cent per annum and deliver the same to the contractor. Each and every such tax bill shall be a lien on such lot or parcel of ground therein described, and such lien shall continue for one year from maturity of the tax bill last becoming due until paid, or until the final determination of any legal proceedings to collect the same; but no such suit shall be brought on same until after the maturity of all such tax bills.

Sec. 17. *All Sidewalks to be Built According to Requirements Named in This Ordinance.*—Except when permission is given by the city council by ordinance, all sidewalks hereafter built and constructed shall be done by contract in the manner and under the requirements named in this ordinance. No property owner, contractor, corporation or any other person whatsoever shall build and construct any sidewalk upon or along any public street, alley, lane, avenue or highway or any part thereof, within the city, of a different width, or upon a different grade, or of different material, or in a different manner in any respect from the particulars and conditions and specifications and requirements laid down and provided in this ordinance.

Sec. 18. *Deed by Collector.*—The city collector shall execute to the purchaser of real estate under this ordinance a deed for the property sold and shall acknowledge such deed before any officer authorized to acknowledge deeds in Livingston county, Missouri.

Sec. 19. *Not to Invalidate any Contracts, Etc.*—All contracts, rights and benefits made, accruing and attaching to any person or corporation or vesting in any one, and all liabilities created by any prior or other ordinances or laws of the city of Chillicothe, Missouri, shall not be affected or invalidated hereby.

Passed and approved this 15th day of June, 1908.

ORDINANCE No. 25.

An Ordinance in Relation to the Repairing of Sidewalks at the Expense of the Owner of Property in Front of Same—Duty of City Engineer—Cost to Be Levied Against Property—Lien—How Enforced.

Section 1. *Duty of Owner to Keep in Repair—Engineer to Report to Council—Resolution, Etc.*—Be it ordained by the mayor and city council of the city of Chillicothe: It shall be the duty of all property owners to keep sidewalks in front of their property in good repair at their own expense. When any sidewalk or part thereof becomes out of repair or unsafe for public use, and the owner or owners of property in front of such sidewalk shall fail or neglect to repair the same, it shall be the duty of the city engineer to report the same to the city council, and it shall be the duty of the city council on receiving such report to pass a resolution

ordering such sidewalk or sidewalks or parts thereof to be repaired by the owner or owners of the property in front of same at his or their expense. It shall be the duty of the city clerk to make out a certified copy of such resolution and deliver the same to the city engineer whose duty it shall be to serve the same upon the owner or owners of the property described in the resolution.

Sec. 2. *Resolution How Served.*—The city engineer shall serve the said resolution upon the owner or owners of the property by delivering a copy of same to such owner or owners or by leaving a copy of same at his or her usual place of abode with some member of his or her family over the age of fifteen years. If the owner or owners after being served with notice as aforesaid, shall neglect or refuse to repair such sidewalk or sidewalks or parts thereof within fifteen days from the date of service of copy of the resolution, the city engineer, without further notice or action by the city council, shall cause the sidewalk or sidewalks or parts thereof to be repaired and put in a safe condition at the expense of the city, and report the amount of the expense and cost of repairing the same by itemized statement to the city council, and thereupon the council shall by resolution, levy the same against each lot, lots or property, and the same shall constitute a lien thereon, and the city auditor shall issue a special tax bill against the lot, lots or property, and the same shall be collected as herein provided.

Sec. 3. *If the Resolution Cannot be Served Personally, to be by Publication.*—If the resolution named in Section two of this ordinance cannot be served personally in the state as provided in said section, or if the owner or owners are unknown and cannot be personally served, the engineer shall report such fact to the council, and the council shall direct the engineer to cause four weeks' notice to be published in the English language in the official paper of the city setting forth the facts contained in the resolution named in said section. The cost of such publication shall be levied against the property liable to be taxed for cost and expense of making such repairs, and collected in the same manner.

Sec. 4. *Tax Bill Attested by City Clerk—City Collector to Collect, if Not Paid in 30 Days Sued on by City Attorney.*—The city auditor shall, when said special tax bill is made out and attested by the city clerk, and certified to by the treasurer

of said city, charge the city collector with the amount thereof and deliver the same to the city collector, whose duty it shall be to collect the same. It shall be the duty of the city collector to notify the owner or owners of the property that the said special tax bill is in his hands for collection and if the same is not paid in twenty days after date of said notice, he shall then turn the same over to the city attorney, who shall bring suit thereon; every special tax bill for repairing sidewalks shall bear interest at the rate of eight per cent per annum from date, and when suit is brought, the city shall be entitled to recover the amount due the city with all cost and interest and enforce its lien by sale of the property.

Sec. 5. *Tax Bill Prima Facie Evidence.*—Such special tax bill shall in any action thereon be *prima facie* evidence of the regularity of the proceedings, for such special assessment and levy, of the validity of the bill, of the doing of the work and of the furnishing of the material charged for and of the liability of the property to the charge stated in the bill, and that the amount named therein is correct and a valid lien on said property.

Sec. 6. *Suits—How Brought.*—Suits under this ordinance shall be brought in the name of the city at the relation and to the use of the collector, and the judgment shall be a special judgment against the property and special execution may be issued on the same and the property sold to satisfy such judgment lien with interest and costs; Provided, the owner or owners of such property or lot may pay to the city collector the amount against the property with interest and costs at any time before any such property is sold.

Passed and approved this the 19th day of April, 1909.

ORDINANCE No. 26.

An Ordinance Making It a Misdemeanor for any Person, Firm or Corporation, or the Agent, Servant or Contractor of Such Person, Firm or Corporation to Build and Construct, or to Commence to Build and Construct, a Sidewalk Inside the Limits of the City of Chillicothe, Missouri, of a Different Width or Grade or of Different Materials, or in Any Manner Different From the Plans and Specifications Contained in General Sidewalk Ordinance No. 24, Without First Having Obtained Written Permission From the City

Council; and Making It a Misdemeanor for Failing to Erect Barriers, While Constructing Sidewalks, and for Damaging Any Sidewalk.

Section 1. *Unlawful to Build Sidewalk—Different From Plans and Specifications Contained in Ordinance No. 24.*—Be it ordained by the mayor and city council of the city of Chillicothe, Missouri: That it shall be unlawful for any person, firm or corporation owning any lot or piece of ground inside the limits of said city, or the agent, servant or contractor of such person, firm or corporation, to build and construct, or to commence to build and construct in front of and adjoining any lot or piece of ground in the city, a sidewalk or sidewalks on any public alley, street or highway or part thereof, of a different material or width, or upon a different grade, or construct the same in any manner contrary to the plans and specifications contained in section six of general sidewalk ordinance No. 24, passed and approved by the city council, on the 15th day of June, 1908, and now in force in said city; without first having obtained the written consent of the city council as provided in section seventeen of said ordinance No. 24; and said section six and seventeen of said ordinance are hereby adopted and made a part of this section and ordinance. And no person, firm or corporation, or the agent, servant or contractor of such person, firm or corporation shall construct or commence to construct any sidewalk in front of any property, on any street, alley or avenue in the city of Chillicothe, Missouri, without first having obtained the written permission of the city council.

Sec. 2. *Persons Violating Ordinance; Prosecution; Misdemeanor.*—It shall be the duty of the city engineer or street commissioner having knowledge or information that any person, firm or corporation, or the agent, servant or contractor of such person, firm or corporation is constructing a sidewalk or sidewalks on any of the public alleys, streets or highways, or any part thereof, adjoining any lot or piece of ground in said city, in violation of and contrary to any of the provisions of section one of this ordinance, without the written consent of the city council, to order the person or persons doing the work to stop the work of constructing such sidewalk or sidewalks, and on failure or neglect to comply with such order, the city engineer or street commissioner shall immediately report the facts to the city attorney, whose duty it shall be to file a complaint against all persons engaged in the construction of such

sidewalk or sidewalks charging them with a violation of this ordinance or any of its provisions, as reported to him by the city engineer, and a warrant shall be issued for the arrest of the party or parties named in the complaint, and all such parties shall be prosecuted before the city recorder as for a misdemeanor and on conviction shall be fined as herein provided.

Sec. 3. *Separate Offense — When.* — If any person or persons named in section two of this ordinance shall have been arrested for violating any of the provisions of section one of this ordinance, shall neglect or refuse to stop the work of constructing such sidewalk or sidewalks, the construction of which is prohibited by said section, such person or persons shall be deemed guilty of a new and separate offense under this ordinance, and may be again arrested, tried and convicted for such separate offense, and fined as herein provided.

Sec. 4. *To Erect Barriers Across Walk; Failure—Offense—Penalty.*—It shall be the duty of all contractors or the agent, servant or employe of any person or corporation engaged in the construction or repair of any sidewalk or sidewalks in this city to erect a fence or substantial barriers across each end of the sidewalk right of way, in front of the property on any alley, street, avenue or highway where such sidewalk or sidewalks is to be built, at the time of commencing the construction of such sidewalk or sidewalks so as to prevent travel on such sidewalk while the improvement is being made. Any failure to comply with this section by any contractor, agent, servant or employe of any person or corporation, shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than five nor more than two hundred dollars.

Sec. 5. *Defacing Sidewalk; Penalty.*—Any person or persons who shall intentionally mar or do any injury to any artificial stone or granitoid sidewalk in the city of Chillicothe, Missouri, by defacing the surface of the same, by stepping upon or walking on, or by marking or writing thereon, or shall deface the same in any manner whatsoever while such walk is in process of construction and before the surface of the same shall become firmly set and hard, or who shall intentionally do any damage or injury to any sidewalk or sidewalks of whatever material constructed, in any manner or by any means whatsoever, shall on conviction be deemed guilty of a misdemeanor and fined not less than five nor more than two hundred dollars.

Sec. 6. *Penalty*.—Any person charged with a violation of sections one, two and three or any provisions of the same shall on conviction be deemed guilty of a misdemeanor and fined not less than fifty nor more than two hundred dollars.

Passed and approved this 24th day of August, 1908.

ORDINANCE No. 27.

An Ordinance to Refund at a Lower Rate of Interest the Thirty Thousand Dollars Known as the Paving or Macadam Bonds, of the City, Heretofore Issued by the City Under Ordinance No. 67, of the Revised Ordinances of the City.

Whereas, The mayor and city council being desirous to refund the bonds of the city known as the paving or macadam bonds heretofore issued and now outstanding against the city to the amount of thirty thousand dollars, and bearing interest at the rate of five per cent per annum, payable semi-annually. The issue of said bonds having been authorized by a vote of the people under an ordinance of the city council now known as ordinance No. LXVII of the last revised ordinances of the city; and,

Whereas, Said bonds were issued and the entire amount of the proceeds thereof used by the city for the paving and guttering the principal streets of said city, and such improvement was not made upon petition of a majority of the property holders fronting on the street or avenue so improved and the charging of such work or improvement against such property, would from its magnitude be extraordinarily burdensome on the owners thereof, and such work and improvement was and is for the general benefit of the entire city, and; whereas, Section 3, of said ordinance is in words and figures as follows:

“Sec. 3. That said bonds shall be due and payable in twenty years from the date of the issue thereof, but said bonds shall also stipulate that at the option of the city they shall become due and payable at any time after five years from the date of the issue thereof, and each of said bonds shall be made payable to bearer, and shall draw interest at the rate of five percent per annum from date, payable semi-annually, and both principal and interest shall be payable at the office of the treasurer of the city of Chillicothe.

“*Provided*, That no interest on said bonds shall be paid

except on due presentation of the coupon or coupons, therefore, and whereas, the mayor and city council of the city of Chillicothe, Missouri, deem it expedient that the said thirty thousand dollars as aforesaid be refunded at a lower rate of interest, as may be done under a recent act of the legislature of the State of Missouri, passed and approved on the 9th day of 1899."

Therefore.

Sec. 1. *City Council Authorized to Issue Bonds.* *Be it Ordained by the Mayor and City Council of the City of Chillicothe, Missouri, as follows:* That the city council is hereby authorized for the purpose heretofore named and set forth, to issue bonds on the credit of the city to the amount of thirty thousand (30,000) dollars, which bonds shall bear interest not to exceed the rate of four per centum per annum, interest payable semi-annually.

Sec. 2. *Designating Denomination of Said Bonds.*—The principal in said bonds shall be due and payable in twenty years after date of their issue and shall bear date the first day of January, 1900. Each of said bonds shall be of the denomination of five hundred dollars, and shall be numbered progressively and not to exceed the amount of said thirty thousand dollars, and said bonds, and each of them, shall be paid to bearer with interest coupons attached to each bond, payable to bearer, to correspond to face of bond. Each of said bonds and coupons shall be signed by the mayor and attested by the city clerk, and said bonds, but not said coupons, shall have the corporate seal of the city attached, and said bonds and coupons shall be countersigned by the city auditor, who shall cause said bonds to be registered in the proper books as provided by the city charter. When said bonds shall be signed and attested as aforesaid and registered in the office of the state auditor, they shall be delivered to the city treasurer, as Section three (3) of this ordinance provides. The treasurer shall hold the bonds until they have been negotiated and sold as the city council shall determine, when they shall be delivered to the purchaser or purchasers, as the city council shall by ordinance direct, but in no case shall any of said bonds be sold for less than par. The money arising from the sale of said bonds shall be used for the purpose of paying off and taking up and cancelling the old bonds of the city, as in this ordinance named, and for no other purpose; *provided*, the premium arising from

the sale of said bonds may be used or disposed of as the city council may hereafter determine.

Sec. 3. *Bonds to be Paid, When.*—The principal in said bonds shall be made payable as follows: Five thousand dollars of which said bonds shall become due and payable in twenty years after the date thereof, but the city shall have the option to redeem the same at any time after five years from date thereof; five thousand dollars to become due and payable in twenty years after the date thereof, with option to the city to redeem same at any time after ten years from the date thereof; ten thousand dollars to become due and payable in twenty years after the date thereof, with option to the city to redeem same at any time after fifteen years from date thereof; ten thousand dollars to become due and payable in twenty years from the date thereof, without option to the city.

The principal and interest of said bonds shall be made payable at such place as the city council and the purchaser of said bonds may agree upon. The purchaser of said bonds shall prepare the blank bonds at his or their own expense and without charge to the city. The blank bonds and coupons, when prepared, shall be forwarded to B. B. Gill, city attorney, an agent for the city, who shall cause said bonds to be executed as directed in Section two (2) of this ordinance, and cause the same to be registered in the office of the state auditor, as required by law. When said bonds shall have been executed and registered as aforesaid, and said Gill shall immediately deliver said bonds to the city treasurer and take his receipt therefor, and file the same with the city auditor.

Sec. 4. *Council to Create an "Interest Fund."*—The city council shall each year make an annual levy on the assessed valuation of all taxable property in the city of an amount sufficient to meet and pay semi-annually the interest accruing on said bonds for the ensuing year, which when collected, shall be paid into a special fund to be known as the "Refunding Bond Interest Fund," which shall not be used or applied to any other purpose than the payment of the interest on the bonds to be issued in pursuance of this ordinance; *provided*, that any surplus remaining at the end of any year in the said refunding bond interest fund shall be turned into and become a part of the sinking fund herein provided for.

Sec. 5. *Council to Create a "Sinking Fund."*—For the purpose of meeting and paying the principal of said bonds as they become due and payable as herein provided, the city

council shall each year, commencing with the annual levy in the year 1900, make an annual levy on the assessed valuation of all taxable property in the city for the purpose of creating a sinking fund to pay the principal in said bonds as the same becomes due. The said levy shall be of an amount sufficient to create a fund of five thousand dollars in five years from the date of said bonds, five thousand dollars in ten years, ten thousand dollars in fifteen years and ten thousand dollars in twenty years, and when collected the same shall each year be turned into the sinking fund as aforesaid, and shall not be used for any other purpose except as herein provided, *viz.*: To pay the principal in said bonds, provided, the levy each year shall only be of an amount sufficient to create a sinking fund that will in the aggregate amount to a sum sufficient to pay the bonds as the principal falls due, as named in this ordinance. The sinking fund as it accumulates each year shall be loaned out on good security or invested in bonds as the state law provides. The accumulated interest in either case shall be turned into the sinking fund by the city treasurer each year.

Sec. 6. *Surplus Sinking Fund to be Applied on Future Installments.*—Should there remain any surplus in the sinking fund after the payment of any installment of the principal of said bonds the same shall be carried forward and added to the sinking fund for the succeeding year, and so on until the principal in said bonds is fully paid off and discharged. Passed and approved this 21st day of December, 1899.

ORDINANCE No. 28.

Authorizing the Construction of Gas and Electric Works and Establishing Rules and Regulations Governing the Same.

Section 1. *Granting Privilege of Erecting Gas and Electric Works in the City.*—Be it Ordained by the Mayor and City Council of the City of Chillicothe, Missouri, That said city of Chillicothe hereby grants unto C. D. Jones and S. B. Hovey, their successors and assigns, hereinafter to be known as the People's Gas and Electric Company, and said company the privilege of erecting and maintaining gas and electric works in said city of Chillicothe, state of Missouri, and of repairing, enlarging and extending the same, and of laying gas mains and pipes (underground) and erecting

lamp posts, poles and wires for the purpose of supplying said city and its citizens with gas and electricity for light and other uses. But nothing herein shall be construed as giving said company any exclusive right as to the privileges herein granted.

Sec. 2. *Company Authorized to Use Streets, Alleys, Sidewalks, Bridges and Public Grounds.*—For the purpose of carrying into effect the privileges granted in Section 1 of this ordinance said People's Gas and Electric Company is hereby authorized to use the streets, alleys, sidewalks, bridges and public grounds of said city, and to make all the necessary excavations therein, but the same shall be done with due and reasonable dispatch and with the least practicable interference with or inconvenience to the rights of the public and individuals. And said company shall restore all streets, alleys, sidewalks, bridges and public grounds where excavated by them to their original condition as far as practicable, and in case any obstruction caused by said company shall remain longer than three days after notice to remove the same, or in case of neglect by said company to protect any dangerous places by proper guards, the said city may remove or protect the same at the expense of said company.

Sec. 3. *Laying of Mains, Pipes, Etc.*—That in laying down mains and pipes and erecting lamp posts, poles and wires, said People's Gas and Electric Company shall conform to all reasonable regulations which are or may be prescribed by the city council, and shall not interfere with or injure any water pipes, drains or sewers of said city or any water company, grantee of said city, and shall be subject to the directions of the street and alley committee of said city.

Sec. 4. *Authorizing People's Gas and Electric Company to Construct Gas and Electric Works—City to Subscribe for Lights, Number.*—That said People's Gas and Electric Company is hereby authorized to acquire, construct and maintain gas and electric works, or either of them, in said city of Chillicothe, and to repair and enlarge the same, and to carry on the business of manufacturing gas and electricity, or either of them, and of distributing the same to the city of Chillicothe and its citizens, and in consideration of the advantage to be derived by the city and its citizens by the erection and maintenance of gas and electric works in said city, it is hereby understood and agreed that said city of Chillicothe will subscribe for and use during the full term of five years arc electric

street lamps of standard 2000 candle power each, to the number of at least thirty, to be located by the mayor and council along the streets, avenues and public grounds of said city, and said city may order gas street lamps located along the lines of gas street mains laid down; and provided said city may order any gas or electric lamp moved to any other point by paying the cost of such removal.

Sec. 5. *Company to Erect Electric Lamps Free of Expense to City—City to Pay \$3,000 Per Year for Lights.*—That said People's Gas and Electric Company shall erect all arc electric lamps free of expense to the city, and shall, when ordered to erect gas posts and lamps (the lamps to be of metal and glass and posts of iron of good pattern), erect, connect and fit the same ready for use, at a cost to the city of not to exceed twenty dollars each and supply the same with gas during all the dark hours of the night not lighted by the moon, as per Philadelphia moon schedule, at a cost not exceeding two dollars per month per lamp, nor the average price paid for similar service in cities and towns having about the same population in the state, the average flame of each lamp to equal that of sixteen standard candle power and be in all respects of good and satisfactory quality. Said company shall be allowed the sum of twenty-five cents per month for lighting, extinguishing, cleaning and general care of any gas lamp so ordered, until the number shall reach thirty gas lamps, when said company shall assume such care without such extra charge. And said city of Chillicothe agrees to pay for thirty electric arc lamps herein contracted for the sum of three thousand dollars per annum, payable monthly. Said arc lamps to be lighted one-half an hour after sunset and burn all night and every night in the year. And provided that for any hours said lamps shall not burn during the hours the contract calls for, a pro rata deduction shall be made from the monthly bill, and said arc lamps shall be suspended forty feet above the street.

Sec. 6. *This Ordinance Conditioned, on What.*—That the ordinance is conditioned upon the building or causing to be built and put in operation by the said company, gas and electric works in said city of sufficient capacity to supply said city and its citizens, and laying not less than two miles of gas street mains in the principal streets of said city, and two additional miles when necessity requires and the city council orders it, which said electric works shall be commenced on

or before April 1, 1891, and in operation on or before July 1, 1891, and also upon supplying said city and its citizens with a good quality of gas at a price or rate not exceeding two and 25-100 dollars for the equivalent in illuminating power or value of one thousand cubic feet of standard sixteen candle power coal gas, and provided that whenever the number of private consumers of gas shall reach two hundred, such price shall be reduced to two dollars for the equivalent in illuminating of one thousand feet of standard coal gas, and that the cost to private consumers shall at no time exceed the average price paid in cities and towns of the state having about the same population for the same amount of light.

Said citizens to pay for putting in the necessary pipes and fixtures to connect the point of consumption with the main pipes of said company, said connection to be made by or under the supervision of said company, their successors or assigns.

Sec. 7. Failure of Company to Supply Good Quality of Gas—Rights of Company.—That in case of failure at any time to supply the said city with a good quality of gas for the space of ten days, except in case of injury to the works, in which case all possible diligence shall be exercised to repair the same, or should said company for any reason abandon the enterprise or cease to operate the works, the rights and privileges herein granted shall cease and determine, and no notice shall be necessary on the part of the city.

But as long as said company shall well and truly keep and perform the conditions of this ordinance, the rights and privileges granted herein shall not be revoked or forfeited for any other cause, and said company shall at all times have equal rights as to the use of the streets, alleys, sidewalks, bridges and public grounds, now or hereafter belonging to said city, with any other company which may hereafter be chartered.

Sec. 8. Company to Extend Mains, When.—That whenever said city or citizens thereof shall desire to use gas in any locality not reached by the mains already laid down, said company shall, on application of one or more consumers to each one hundred feet of main extension required, proceed to lay such additional mains as may be necessary to supply such petitioner, within a reasonable time from the making of such application and agreement to use gas from the company. For this purpose each additional street lamp shall

count as one consumer and provided said company shall extend the mains any greater distance when so required, upon the applicants paying the cost of such main extension beyond the one hundred feet above provided for.

Sec. 9. *Company to Be Liable for Damages to Persons or Property by Neglect of Itself or Employes.*—The privileges herein granted are upon the express condition that said company and its assigns shall be liable for all damages or injury to person or property caused by the neglect or mismanagement of itself or any of its employes while engaged in constructing or operating its works, and should the city be sued therefor, said company shall be notified of such suit and thereupon it shall be its duty to defend or settle the same, and should judgment go against the city in any such case, the city shall recover the same with costs from said company, and the record of judgment against the city in any such case shall be conclusive evidence to entitle the city to recover against said Gas and Electric Company.

Sec. 10. *Ordinance to Take Effect from and After Its Passage and Acceptance by Company—Company to File Bond.*—That this ordinance shall take effect and be in force from and after its passage and acceptance in writing by said Jones and Hovey within ten days from its passage and upon the filing with the city clerk a good and sufficient bond by the said Jones and Hovey in the sum of one thousand dollars for the faithful performance of the contract to light said city for the term of five years, shall become a contract between said city and said People's Gas and Electric Company, said bond to be filed within twenty days, and be approved by the city council. (R. O. 1903.)

ORDINANCE No. 29.

An Ordinance Granting a Franchise to the Peoples Telephone Company and Its Assigns for a Term of Twenty Years; Granting the Privilege to Use the Streets, Avenues and Alleys of the City of Chillicothe, Missouri, for the Erection of Telephone Poles and Wires for the Maintenance of All Appliances Necessary for the Operation of a Telephone Exchange in Said City, Prescribing Rates, Conditions and Regulations.

Section 1. *Granted Franchise for Twenty Years—Telephone Exchange.*—Be it Ordained by the Mayor and City

Council of the City of Chillicothe, Missouri, That the Peoples Telephone Company and its assigns are hereby granted the right, privilege and authority for the term of twenty years, to erect, construct and maintain and operate poles, wires and all other appliances necessary for the maintenance of a telephone exchange in, through, along, upon and across the public streets, avenues and alleys, of the city of Chillicothe, Missouri.

Sec. 2. *Poles, Where Placed.*—All poles used in said telephone business shall be placed in alleys whenever practicable, instead of upon and along streets next adjoining and parallel thereto. Where the poles are set in any alley, they shall be located as near the side lines of the alley as practicable and in such a manner as not to incommode the public or adjoining property owners, in so far as the same may be practicable.

Sec. 3. *Poles, Material of—Height of Wire.*—The poles used as herein provided shall be of sound timber, reasonably straight and smooth, and the poles hereafter set shall be of such a height that the wires thereon shall swing at least twenty feet above the ground. Whenever the poles are erected on the street, they shall, in all cases, whenever practicable, be placed on the outer edge of the sidewalk, just inside of the curbstone, and on or near the line dividing the lots, and in all cases shall be so placed as not to obstruct the drainage of the streets or to interfere with or to damage in any way the curbstones, trees, or other public or private property on the line of the street or alley where said poles shall be erected.

Sec. 4. *Excavating—Street Restored to Former Condition.*—When any poles shall have been erected or other excavating done, under this franchise, the work of refilling and restoring the pavement or other surface of the ground shall be done as promptly as possible, and such surface shall be restored to the same condition it was in before such excavation was made, and in a manner satisfactory to the city engineer.

Sec. 5. *Power of City to Change Location of Poles—How.*—The right is hereby reserved by the city council to at any time direct any alterations in the location of the poles of said company, now located or hereafter to be located, whenever it may become necessary, but before any such alteration is made, at least five days' notice in writing shall be given to the President or local officers or agents of said company, and

a reasonable opportunity shall be afforded said company to be heard therein.

But when any such alterations shall be ordered, said company shall within five days thereafter commence such alterations and complete the same as soon thereafter as practicable; and upon failure to do so, the city may make such alterations and collect the expense thereof from said company.

Sec. 6. *Wire Raised to Permit Structures to Pass Under—How.*—The said Peoples Telephone Company and its assigns shall, after receiving twenty-four hours' notice from the city constable, remove, raise, or lower their wires from any place or places specified, for the purpose of permitting the moving of houses or any other object along the streets and avenues of said city; PROVIDED, that the expense of such removal, raising or lowering, and any damage attending the same, shall be paid by the owner of the building or other object so moved on said street.

Sec. 7. *Company Bound to Comply With Ordinances of City.*—The said Peoples Telephone Company and its assigns shall be bound by and comply with all reasonable requirements, rules, ordinances and regulations now in force in said city, or hereafter to be adopted by said city, in and about the use of the streets and alleys by said company.

Sec. 8. *Company to Keep All Poles, Wires and All Other Fixtures in Repair.*—The said Peoples Telephone Company shall keep its poles, wires, and all other material and apparatus used by it in and about its telephone business, in good order and repair at all times.

Sec. 9. *Company to Pay the City 2 Per Cent of Its Gross Receipts—How Estimated—in Lieu of Special Taxes.*—In consideration of the granting of this franchise and the rights and privileges thereunder, the Peoples Telephone Company and its assigns shall, in addition to the other conditions and requirements herein made, pay to the city of Chillicothe, Missouri, each year, for the full twenty years of this franchise, two per cent of the gross receipts derived by said telephone company from 'phone rentals within the limits of the city of Chillicothe, Missouri. As a basis for estimating the amount of said payment, it shall be the duty of the treasurer of the Peoples Telephone Company, on or before the first day of June of each year, to file with the city clerk of said city, a sworn statement showing the total amount collected by said

telephone company from 'phone rentals in the city of Chillicothe, Missouri, for the year ending April 30th, preceding, and upon said total collections so shown, the amount to be paid the city shall be determined; PROVIDED, that should two per cent of such gross receipts for any year amount to less than two hundred dollars (\$200.00) then the said telephone company shall pay to the city of Chillicothe the sum of two hundred dollars (\$200.00) as a minimum payment, instead of the two per cent of the gross receipts, for each year or years.

The payment provided for by this section shall be made on or before the first day of June of each year and shall be accepted by the city of Chillicothe in full for, and in lieu of, all special taxes or licenses required to be paid by said company, whether required by ordinances now in force, or by ordinances that may hereafter be enacted.

Sec. 10. *City to Have Four Free Phones, and Use of Poles to Operate a Fire Alarm System.*—As a further consideration of this franchise, said company shall install and maintain, during the life of this franchise, at any place within the city of Chillicothe, Missouri, to be designated by the council, four 'phones free of charge. The right is also reserved by the city to use any and all of the telephone poles owned and erected by said company for fire-alarm service, provided the wires therefor shall be placed on a separate arm or bracket from those used by said company, and provided, further, that said reserved right is only for the use of the city in the operation of a fire-alarm system owned and operated by the city.

Sec. 11. *Maximum Rate.*—As a further consideration of this franchise, the Peoples Telephone Company and its assigns shall furnish the patrons thereof good service at a maximum rate of not to exceed two dollars and fifty cents (\$2.50) per month per 'phone for business houses and offices, and one dollar and fifty cents (\$1.50) per month per 'phone for residence 'phones. PROVIDED, that said maximum rates shall not be charged by the Peoples Telephone Company nor its assigns, before it shall have secured from the patrons of its exchange in the city of Chillicothe, Missouri, the free use and service of all party telephone lines then connected directly with its said exchange only, and provided, further, that said maximum rates shall not be charged for any period during which the said telephone company fails to continue to furnish its said patrons the free use and service of all such telephone lines.

Sec. 12. *City Not to Discriminate in Granting Further Franchise.*—In consideration of the acceptance of this franchise by the Peoples Telephone Company, it is hereby provided that during the term of this franchise, the city of Chillicothe, Missouri, shall not discriminate against the Peoples Telephone Company in favor of any competing company, individual or individuals in the matter of taxation, rates, restrictions or requirements; and should the right, privilege and authority to construct, maintain and operate a telephone exchange in the city of Chillicothe, be granted to any other company, individual or individuals, the same or greater payments to the city shall be required of said company, individual or individuals as are required of the Peoples Telephone Company by Section nine (9) of this franchise.

Sec. 13. *Acceptance by Company.*—Said Peoples Telephone Company shall within ten days after the approval of this ordinance file with the city clerk of the city of Chillicothe, Missouri, its written acceptance of the conditions hereof and this franchise shall go into effect and operation immediately upon such acceptance thereof, but if said acceptance be not filed within said time, then all their rights hereunder shall determine and cease. All ordinances or parts of ordinances in conflict herewith are hereby repealed. Passed and approved this 4th day of September, 1905.

ORDINANCE No. 30.

An Ordinance Granting to the Peoples Telephone Company Permission and License to Excavate in Certain Streets and Alleys in the City of Chillicothe, Missouri, and to Lay Underground Duct Therein for Cable and Wires; and to Excavate for Fuel and Ash Bin; and to Maintain Manholes Along the Line of Said Underground Duct and to Connect Said Manholes with Sewers; and Granting Permission to Said Company to Excavate in Said Streets and Alleys for the Purpose of Repairing and Reconstructing Said Duct, Wires and Cables and Appurtenances.

Be it Ordained by the Mayor and City Council, of the city of Chillicothe, Missouri, as follows:

Section 1. *Permission to Excavate in Certain Streets.*—That the Peoples Telephone Company, a telephone corporation located in Chillicothe, Missouri, is hereby given permis-

sion and license to excavate in, upon and through the following described streets and alleys in the city of Chillicothe, Missouri, to-wit: In Webster street, about 10 feet north of the south curb line thereof, commencing in said street about the center of the alley running north and south through block 34, old survey of said city; thence running west on said street to the center of the alley running north and south through block 30, old survey of said city, and in, through and upon all street and alley intersections with said portion of Webster street.

In the alley running north and south through block 20, old survey of said city, beginning about the middle of said alley north and south, and running thence south along said alley to and across Webster street to intersect with the excavation on said Webster street above described.

In the alley running north and south through block 21, old survey in said city, beginning about the middle of said alley north and south and running thence south in said alley to and across Webster street to intersect with the excavation on said Webster street aforesaid.

In each of the alleys running north and south through blocks numbered 34, 31, and 30, old survey in said city of Chillicothe, beginning in each of said alleys at or near the north line thereof and running north in Webster street to and intersecting with the excavation on Webster street aforesaid.

Also commencing on Webster street at the excavation aforesaid therein north of the north end of the alley running north and south through block 33, old survey in said city, running thence south along said alley to, across and under Jackson street and continuing south along, in and through the alley running north and south through block 38, old survey in said city of Chillicothe, to Clay street, and south into Clay street about 20 feet from the north line thereof.

Said company is further given permission to make such excavations at or near the east line of the alley running north and south through block 33, old survey of said city at or near the north line of said alley for the purpose of loading and unloading coal, ashes, fuel and other material belonging to said company; said excavation to be so covered and built by the said company so as not to interfere with the use of said alley by the public.

Sec. 2. *Same; Right to Construct Man-Holes; City Right to Use Conduits.*—Said excavations to be made for the laying of underground duct to carry the wires and cables of

said company, and said excavations may be of such width and depth as shall be necessary to safely, properly and securely lay and maintain said underground duct; and permission is also given to said company to construct and maintain along the line of its said underground duct to be laid on the streets and alleys aforesaid, man-holes, at such places as shown on plat herewith filed, for the proper use, care and maintainance of said duct, wires and cables therein, said man-holes to be built so as not to extend above the surface of the ground and be constructed of such material and strength as not to interfere with the use of the streets, and said company shall at all times keep said man-holes safely and securely covered. The city reserves the right to use any or all conduits for a fire alarm service wire owned and operated by the city.

Sec. 3. *Same; Right to Excavate Whenever Necessary.*—Said company is hereby granted the privilege and right to excavate in said streets and alleys aforesaid at any time it may become necessary for the purpose of repairing and reconstructing the said underground duct or the wires and cables therein.

Sec. 4. *Right to Connect With Public Sewers.*—Said company is also hereby granted permission to connect all of its man-holes aforesaid with any one or more public sewers in said city and do the necessary excavating therefor, provided the said company shall pay the necessary fee therefor as required by law.

Sec. 5. *Shall Restore Streets to Proper Condition; Negligence; City Held Harmless.*—This permission and license is granted upon the condition that said company shall comply with the conditions and requirements of Ordinance No. 20, of the ordinances of the city of Chillicothe, Missouri, passed and approved by the mayor and city council of said city on the 10th day of December, 1906, relating to and regulating the digging and excavating in the streets and alleys of said city. And upon condition that said company shall restore, at its own expense, all streets and alleys in which they shall excavate under this ordinance to the condition in which the said streets and alleys were before excavating therein. And on the further condition that said company will, at all times, guard the said excavations to be made hereunder as is required by said ordinance numbered 20 aforesaid; and on the further condition that said company will hold the city harmless on account of any damages caused by reason of

such excavations or by the negligence of said company in making said excavations.

Passed and approved this the 15th day of February, 1909.

ORDINANCE No. 31.

An Ordinance Concerning Licenses in General.

Be it Ordained by the Mayor and City Council of the City of Chillicothe, Missouri:

Section 1. *Licenses Subject to Ordinances of City.*—That all licenses which may be issued under any ordinance of the city council shall be subject to the ordinances and regulations which may be in force at the time of issuing thereof, or which may subsequently be made by the city council. And if any person so licensed shall violate any of the provisions thereof he shall be liable to be proceeded against for any fine or penalty imposed thereby, and his license shall be subject to be revoked in the discretion of the city council.

Sec. 2. *Licenses Not Transferable.*—No license granted under any ordinance shall be assignable or transferable without the written permission of the mayor or city council, nor shall any such license authorize any person to do business or act under it but the person named therein, unless such license shall otherwise provide.

Sec. 3. *Granted Not to Exceed One Year. Treasurer May Grant—When.*—No license shall be granted at any time for a longer period than one year, and all licenses shall be signed by the mayor and countersigned by the clerk, under the corporate seal. And in all cases where it is not otherwise expressly provided, the treasurer shall have power to hear and grant applications therefor, upon the terms specified by the ordinances of the city.

Sec. 4. *Treasurer to Receive all Money for Licenses.*—All moneys due and owing or which may hereafter become due and payable to the city of Chillicothe for licenses of every description, shall be paid to and received by the city treasurer of said city, who shall be alone authorized to collect and receive said moneys.

Sec. 5. *Clerk to Give List to Treasurer—Prosecution by City Attorney.*—It shall be the duty of the city clerk on the 10th day of January each year, to give the city treasurer a list of the names of all firms or persons who licenses have not been renewed, and continuing in business shall fail to apply for

such licenses to the city treasurer within three days after written notice thereof, then it shall be the duty of the city treasurer to report such person or firms to the city attorney who shall prosecute said persons or firms failing to take out or renew such licenses as provided by law.

Sec. 6. *License Year.*—The license year shall begin on the first day of January, and end on the thirty-first day of December of each and every year, and all licenses shall be issued and made to expire on the thirty-first day of December of each and every year, except as may be otherwise provided by ordinance.

Sec. 7. *To pay for Year.*—Any person applying for license after the first day of January in any year shall pay for a full license year, and at the end of the year, the amount so paid shall be prorated with the time said person was actually engaged in business, and the difference between said amount and the time said person was actually engaged in business bears to the whole license year shall be allowed on a new license, provided, that said license has not been transferred, and nothing herein shall entitle any person to the return of any money in case he or they fail to renew said license.

Passed and approved the 17th day of December, 1906.

ORDINANCE No. 32.

An Ordinance in Relation to the Collation and Revision of the Ordinances of the City of Chillicothe, Missouri, and Authorizing the Compilation and Revision of All The Ordinances of the City of a Public Nature and Character, and Their Publication as Directed by This Ordinance.

Section 1. *Authorizing the Revision.*—Be it ordained by the mayor and city council of the city of Chillicothe, Missouri, as follows: The ordinances of the city of Chillicothe, Missouri, of a public nature and character shall be compiled and revised by B. B. Gill and Forrest M. Gill, attorneys. Said attorneys are hereby employed and authorized to collate and revise all of said ordinances as in this ordinance authorized and instructed.

Sec. 2. *To Compile and Revise.*—The said attorneys shall compile and revise, have printed and published in book form all the ordinances of the city of Chillicothe, Missouri, of a public nature and character. And the city charter of said

city and all amendments thereto and laws of the legislature of the state of Missouri, affecting the election of the mayor and members of the city council and city officers, and the appointment of city officers by the city council, shall be printed and published as a part of said book of ordinances and revision.

Sec. 3. *Ordinances to be Numbered.*—The ordinances in said compilation and revision shall be numbered, beginning with ordinance number one, and numbered consecutively up to and including the number of the last ordinance in the revision, and when so numbered shall be published in book form.

No ordinance in said revision shall be invalidated when published, because the same may not bear the same number as the original bore at the date of its passage and approval, and such ordinance or ordinances with all ordinances when compiled, revised and published in book form are hereby declared passed, adopted and ordained, and shall have the same force and effect as of the date of their original adoption and passage by the city council.

Sec. 4. *Amended Ordinances.*—In the revision and publication of the ordinances authorized by this ordinance it shall only be necessary to append the date of the passage of the ordinance, omitting from publication and each ordinance the names of the mayor and city clerk. Neither shall it be necessary to print the last section of each ordinance in the relation to the taking effect thereof. When any ordinance has been amended by adding new sections or by striking out certain sections and enacting new sections in lieu thereof, it shall only be necessary to add or insert in such ordinances the new sections giving the date of the passage of the ordinance by which they were enacted, which new section or sections shall be placed and printed in the ordinances to which they belong as shown by the ordinance by which they were enacted. Provided the failure to print the date or mistake in giving correct date, shall not invalidate such amendments or added sections.

Sec. 5. *Sections Renumbered—Indexes.*—In compiling and revising the ordinances as hereby authorized where a section or sections of any ordinance in the revision may have heretofore been repealed and no new section or sections enacted in lieu thereof, and there is a section or sections following in such ordinance or ordinances, the section or sections

following shall take the same number as the section or sections repealed, and so on to and including the last section in such ordinances, and the sections thus renumbered shall not be invalidated but shall have the same force and effect as when first enacted. There shall be a general index to the ordinances, and suitable index or catch words, in capitals shall be printed between the number of each section and the first word thereof.

Sec. 6. *Contracts—Legal Proceedings—Judgments—TAXES, Etc—Not Affected.*—All ordinances, or contracts entered into by the city with other parties in the form of ordinances or otherwise, and resolutions of a temporary or local character, including all ordinances and contracts between the city and other parties for the doing of any work or furnishing of any material for the city, and all ordinances for the construction of sidewalks, or for the paving of any of the streets of the city or otherwise improving the same now in force, shall not be affected or invalidated by this ordinance, but shall continue in force according to their respective provisions or limitations. Nothing in this ordinance or in the revision of ordinances hereby authorized shall affect or invalidate any legal proceeding or suit now pending wherein the city of Chillicothe, Missouri, is a party in any court of record, or in the police court of the city, or any judgment in favor of said city for back taxes or suits now pending or hereafter brought for such taxes, or any other judgment in favor of said city, or the assessment of property, real or personal, or any tax levy made by the city council, or the collection of taxes, or any license issued under any ordinance of the city, and all such proceedings, suits, judgments, tax liens, licenses, assessments of property, shall be deemed and taken as a continuation of same under the ordinance or ordinances by which the same may have been begun and authorized.

Sec. 7. *Ordinance With Penalty Provisions, and Other Sections Wherein Penalty Clause May Have Been Omitted.*—All ordinances in this revision having a penalty clause and not heretofore published, shall be deemed and taken as being in effect after the publication in book form as herein provided; and any section of any ordinance carried into this revision from the revision for the year 1907, wherein the penalty clause may have been omitted, and there is no general penalty clause in such ordinance applicable to such section or sections,

the penalty for a violation of such section or any of its provisions, shall, upon conviction of any person thereunder, be not less than one nor more than twenty-five dollars; such section or sections of such ordinance or ordinances with the penalty clause as herein provided added, shall be taken and deemed in force and effect from and after the due publication of this revision of ordinance in book form.

Sec. 8. *Ordinances Passed After This Ordinance.*—All ordinances of a public character passed by the present mayor and city council after the passage and approval of this ordinance shall be taken as intended to be included herein and shall be published in the revision herein authorized. All such ordinances shall take effect from and after their passage and approval, except such as carry a penalty clause, in which case they shall be deemed and taken as being in force and effect from their publication in said revision for 1909.

Sec. 9. *People's Gas and Electric Company.*—Nothing in this ordinance or this revision of ordinances shall have the effect of re-establishing the old rates and charges fixed by ordinance number twenty-six of the Revised Ordinances of 1907, as between the city or private consumers of gas and electricity furnished by said company, or as a renewal of the contract between the city and said company named in section 16 of said ordinance.

Sec. 10. *Council to Examine Ordinances Contained in Revision and to Certify to Same—How Entitled—Ordinance Repealed.*—After the ordinances shall have been compiled and revised by said attorneys, the volume in manuscript form shall be returned to the city council for examination and comparison with the original ordinances, and if found to be correct copies of all ordinances of a public nature in force, the city council shall so declare and certify by an ordinance duly passed; and the said compilation and revision shall then be delivered to the printer for publication. Said revision shall be entitled "Revised Ordinances of the City of Chillicothe, Missouri," 1909, and the Chillicothe Tribune is hereby authorized to print and publish in book form with the city charter and amendments as herein directed, one hundred and fifty copies of said revision. All ordinances or parts of ordinances except as named in this ordinance be and the same are hereby repealed.

Sec. 11. This ordinance shall take effect from and after its passage and approval.

Passed this 4th day of May, 1909.

C. F. ADAMS,

Attest:

Mayor.

H. I. SPENCE,

City Clerk.

ORDINANCE No. 33.

An Ordinance Certifying That All Ordinances Contained in the Revision, 1909, Are True Copies of the Original Ordinances Enacted by the City Council.

Sec. 1. *Authentication of Ordinances; Revision.*—Be it ordained by the mayor and city council of the city of Chillicothe, Missouri, as follows: The city council having examined and compared the ordinances contained in the volume of ordinances purporting to contain a compilation and revision of all ordinances of the city of Chillicothe, Missouri, prepared and returned to the city council under an ordinance duly passed on the 4th day of May, 1909, hereby declare that all ordinances contained in said volume and revision have heretofore been lawfully passed, ordained and enacted by the city council of Chillicothe, Missouri, and that all of said ordinances contained in said volume beginning with number one up to and including number 33 are hereby certified and authenticated as being in full force and effect as the "Revised Ordinances of the City of Chillicothe, Missouri, 1909."

Section 2. This ordinance shall take effect from and after its passage and approval.

Passed and approved this the 7th day of May, 1909.

C. F. ADAMS,

Attest:

Mayor.

H. I. SPENCE,

City Clerk.

INDEX TO CITY ORDINANCES.

ACTIONS.

	Page.	Sec.
Brought in corporate name.....	61	4
Lawful to declare generally in debt.....	61	4
Information of City Attorney.....	62	5

APPEAL.

How and when taken.....	65	19
Bond for.	65	19
To be certified to the Circuit Court within 10 days.....	65	20
If not perfected immediately after the rendering of judgment, defendant to be committed.....	65	21
If condemnation proceedings.....	156	7

ARREST.

Party arrested may give bond.....	62	8
Officers may make arrests at any place in county.....	62	6
Officer to arrest forthwith any person who shall in his presence commit offense.....	56	3
Duty of officer making arrest.....	56	3
City Constable to arrest offenders.....	57	5
Officers making arrest may summons aid.....	57	6
Names of all persons arrested furnished city attorney.	59	15
Officer to search party arrested.....	60	23

ASSAULT.

Misdemeanor.	123	3
Any person.	123	3

AUTOMOBILES.

Definitions, etc.	119	1
Automobile number, etc.....	119	2
To carry lamps, etc.....	119	3
Use of automobile—consent of owner.....	120	4
Duties of driver—to give right of way.....	120	5
Same—to give warning.....	120	6
Same—to stop—when.	121	7
Speed limit.	121	8
Automobile—interference with, etc.....	122	9
Throwing nails, tacks, etc.....	122	10
License required.	122	11
Penalty.	122	12

BILL POSTERS.

License required.	116	1
Fire limits.	116	2
Church and school property; indecent pictures.....	116	3
Waste material, etc., on streets, etc.....	117	4
Mutilation of bills.....	117	5
Prohibiting posting bills on certain property, etc.....	117	6
License fee per day.....	117	7
Ordinance not to apply to certain business.....	118	8
Annual license fee.....	118	9
Penalty.	118	10
Other ordinances repealed.....	118	11

BONDS.

City council authorized to issue bonds.....	205	1
Designating denomination of bonds.....	205	2
Bonds to be paid, when.....	206	3
Council to create an "Interest Fund".....	206	4
Council to create a "Sinking Fund".....	206	5
Surplus sinking fund to be applied on future installments.....	207	6

BUTCHERS.

Butchers, license required.	115	1
Butcher, defined.	115	2
Hawker or huckster, not to sell.....	115	3
License required to sell.....	115	4
Grocer, selling oysters, lard, etc.....	115	5
Butchers, not exempt.....	115	6
Penalty.	115	7

CITY ASSESSOR.

Oath.	74	1
Duties.	75	2
Salary.	75	3

CITY ATTORNEY.

Qualifications.	67	1
Duties.	67	2
Attend council meetings, write contracts and ordinances.....	67	3
Absence or other inability to perform duties.....	68	4
Notice in condemning property.....	68	5
Affidavits on behalf of city.....	68	6
Other duties.	68	7
Salary.	68	8

CITY AUDITOR.

General accountant of the city.....	72	1
Day-book, journal and ledger.....	73	2
Account between city and officers.....	73	3
Record of warrants.	73	4
Audit accounts.	73	5
Monthly report.	73	6
Draw warrants.	73	7
Balance accounts.	73	8
Bond.	74	9
Claims not allowed.	74	10
Make tax books.....	74	11
Salary.	74	12

CITY CLERK.

Custodian of seal, other city property.....	68	1
Prepare commissions.	69	2
Procure stationery.	69	3
Publication of ordinances.....	69	4
Record of ordinances passed.....	69	5
File deeds.	69	6
Other duties.	69	7
Bond.	69	8
Fees for writing documents.....	69	9
Not to permit records out of possession.....	70	10
Charge of city hall.....	70	11
Minutes, council proceedings.....	70	12
Bonds for dramshops.	70	13
Salary.	70	14

CITY CONSTABLE.

Qualifications of city constable.....	56	1
Bond.	56	2
Chief of police.....	56	3

Office in city hall.....	56	4
Arrests.	57	5
May summons assistance.	57	6
Feeding of prisoners.....	57	7
Account of money received.....	57	8
Settlement with the city council.....	57	9
Charge of city prison.....	57	10
Intoxicating liquors while on duty.....	58	11
Provide prisoner's register and charge book.....	58	12
Make proper entries in books.....	58	13
Copy of books.....	58	14
Furnish the city attorney names of witnesses.....	59	15
Salary.	59	16

CITY ENGINEER.

Qualifications.	75	1
Duties.	75	2
Information concerning the grades of streets.....	75	3
Salary.	76	4
Ex-officio street and sidewalk commissioner.....	76	5

CITY LIMITS.

Prescribing city limits.....	47	1
Extending jurisdiction.	49	2
Extending jurisdiction of ordinances.....	49	3

CITY TREASURER.

Ex-officio collector.	70	1
Bond.	71	2
Duties.	71	3
May be suspended by mayor.....	71	4
May protest warrants.....	72	5
Collect licenses.	72	6
Register licenses collected.....	72	7
Salary.	72	8

CITY WEIGHMASTER.

Chief driver to be ex-officio weighmaster.....	79	1
Duties of as such.	79	2
Collections and monthly reports.....	79	3

COUNCIL.

Meeting of and order of business.....	43	1
Standing committees.	46	29
Fiscal quarter.	46	30
Fiscal quarter shall close.....	46	31

COUNCILMEN.

Oath of councilmen.	55	1
Duties of the councilman-at-large.....	55	2
Councilmen to be fire wardens, exempt from jury duty.	55	3
Removal from ward vacates office.....	55	4
No councilman to hold any other office or be interested in city contract.	55	5
Duty to attend meetings of city council.....	56	6
Salaries.	56	7

DOGS.

License tax imposed.....	111	1
License, tag and charge.....	111	2
Check or tag on collar.....	111	3
Removal of check or tag.....	112	4
Clerk to have custody of checks or tags.....	112	5
License year.	112	6
Appointment of special officer.....	112	7
Dogs to be killed, fees.....	112	8

To be muzzled, when.....	113	9
Vicious and noisy dogs.....	113	10
Bitches not to run at large, when.....	113	11
Exemptions.	113	12
Penalty.	113	13

ELECTIONS.

Elections—when held.	50	1
Officers elected, and notice of election.....	50	2
Election districts.	50	3
Qualification of voters.....	51	4
Judges and clerks of election.....	51	5
City clerk to provide ballot boxes and tally-sheets.....	51	6
Ballots, how counted, certificate of poll-books.....	52	7
Vacancies in office—how filled.....	52	8
Persons elected to fill vacancies, term of office.....	52	9
Compensation of judges and clerks.....	52	10
Inability of judges or clerks to process, voters to select.	52	11
Every political party may have witness.....	52	12
Announce total number of votes polled.....	52	13
Mayor's proclamation and inauguration of officers.....	53	14
Canvass of voters, notice to officers-elected.....	53	15
Administering oath of office.....	53	16

ELECTORS.

Qualifications of voter.....	51	4
------------------------------	----	---

FIRE DEPARTMENT.

Creating fire department.....	80	1
Appointments.	80	2
Appoint chief and assistants.....	80	3
Vacancy, how filled.....	80	4
Department under control of chief engineer.....	80	5
Duties of assistant engineer.....	81	6
Duties of chief driver and assistant drivers.....	81	7
Qualifications of members.....	81	8
Meetings of.	81	9
Drilling of.	81	10
Salaries.	81	11
Roll call.	81	12
Alarm, report to chief engineer.....	82	13
May take water from any well.....	82	14
May tear down or blow up buildings.....	82	15
Police force.	82	16
Right-of-way.	82	17
Not to run over hose.....	82	18
Department may adopt by-laws.....	83	19
Members exempt from poll taxes or jury services.....	83	20
Secretary to furnish assessor list of members.....	83	21
Chief to make purchases.....	83	22
Intoxicating liquors not allowed in engine house.....	83	23
Disorderly conduct not allowed in engine house.....	83	24
Loafing not allowed in engine house.....	84	25
Property of.	84	26
Chief and assistant chief, salary of.....	84	27

FIRE LIMITS.

Extent of fire limits.....	149	1
Buildings in.	149	2
May remove from place to place.....	150	3
Shall not repair frame buildings.....	150	4
Fire-places, etc., how built.....	150	5
Fires near buildings.....	150	6
Fires in streets, etc.	150	7
Chimneys.	151	8

Combustible substance not to be stacked within fire limits.	151	9
Care of fires.	151	10
Dilapidated or damaged buildings.	152	11
Proceedings to condemn.	152	12
Compensation provided.	152	13
Taken down by chief of fire department.	152	14
May remove such property without summons or condemnation proceedings.	152	15
Penalty.	152	16
Unlawful to set fire to hay, straw, etc.	153	17

FLAGMAN.

Flagman and electric light at Elm street crossing.	148	1
Duty of flagman.	148	2
Signal from flagman, rate of speed.	149	3
Penalty as to railway companies.	149	4
Penalty as to persons.	149	5

FRANCHISE.

Granting privilege of erecting gas and electric works in the city.	207	1
Company authorized to use streets, alleys, sidewalks, bridges and public grounds.	208	2
Laying of mains, pipes, etc.	208	3
Authorizing People's Gas and Electric Company to construct gas and electric works—city to subscribe for lights, numbers.	208	4
Company to erect electric lamps free of expense to city—city to pay \$3,000 per year for lights.	209	5
This ordinance conditioned, on what.	209	6
Failure of company to supply good quality of gas—rights of company.	200	7
Company to extend mains, when.	210	8
Company to be liable for damages to persons or property by neglect of itself or employes.	211	9
Ordinance to take effect from and after its passage and acceptance by company—company to file bond.	211	10
Granted franchise for 20 years—telephone exchange.	211	1
Poles, where placed.	212	2
Poles, material of—height of wire.	212	3
Excavating—street restored to former condition.	212	4
Power of city to change location of poles—how.	212	5
Wire raised to permit structures to pass under—how.	213	6
Company bound to comply with ordinances of city.	213	7
Company to keep all poles, wires and all other fixtures in repair.	213	8
Company to pay the city 2 per cent of its gross receipts—how estimated—in lieu of special taxes.	213	9
City to have four free phones, and use of poles to operate a fire alarm system.	214	10
Maximum rate.	214	11
City not to discriminate in granting further franchise.	215	12
Acceptance by company.	215	13

HEALTH DEPARTMENT.

Appointment of.	84	1
Establish board of health.	84	2
City clerk to notify.	84	3
President and clerk.	85	4
General supervision over public health.	85	5
Physician for city hospital.	85	6
Sanitary inspector.	85	7
Abatement of nuisances.	86	8

Fence up streets.....	86	9
Powers of.	87	10
Complaint how made.....	88	11
Nuisances entered on proper book.....	88	12
Notices how signed and served.....	89	13
Not to affect other powers.....	89	14
Persons coming from other places, where any infectious disease may be raging.....	89	15
Physician to report to secretary.....	90	16
Physician to report death to secretary.....	90	17
Duty of mid-wife.	90	18
Penalty.	90	19
Salary of health officer.....	91	20
Salary of members.....	91	21
MAYOR.		
Qualifications and oath of office.....	53	1
Has general supervision over city officers.....	53	2
Shall report to city council any neglect of duty.....	54	3
See that ordinances are enforced.....	54	4
May make arrests.....	54	5
May remove paupers.....	54	6
Appointment of officers.....	54	7
What officers.	54	8
Preside at meetings of city council.....	55	9
Salary.	55	10
MEAT SHOPS.		
Must have shop, building or stall.....	114	1
Meat shop must be clean—decayed meat not to be sold.....	114	2
City constable shall inspect.....	114	3
LICENSES.		
Levy on sundry business.....	102	1
Porters, runners or drummers.....	103	2
Carriages, hacks or omnibuses.....	103	3
Drays, transfers or job wagons.....	104	4
Waggonettes and tallyhos.....	104	5
Carriages for special occasions.....	104	6
Regulating charges for transporting persons.....	104	7
Regulating charges for transporting goods, wares and merchandise.	104	8
Vehicle subject to license under this ordinance.....	104	9
Dray license on public occasions.....	104	10
Vehicle to have name of owner thereon.....	105	11
But one vehicle to run under same license.....	105	12
Billiard tables—not to permit minors to play thereon.....	105	13
Hotels and boarding houses.....	105	14
Popcorn, lemonade and lunch stands, baby rack, cane rack or knife board.....	106	15
Circuses.	106	16
Museums.	106	17
Mercantile agent defined.....	106	18
Unlawful to act as insurance agent without company has license.	107	19
Unlawful to act as express agent without company has license.	107	20
Masquerade balls.	107	21
Rope walking.	107	22
Hand organ, music box, etc.....	107	23
Punch and Judy.....	108	24
Opticians or oculists, transient—telescopes, lung testers, muscle developers or magnifying glasses.....	108	25
Fortune tellers.	108	26

Peddlers.	109	27
Peddlers defined.	109	28
Commission merchant defined.	109	29
Hawker defined.	109	30
Transient or auction stores.	109	31
Not to deal in coal, coke, or wood without license.	110	32
Unclaimed goods of express companies.	110	33
License year.	110	34
To pay for year.	110	35
Penalty.	111	36
License subject to ordinances of city.	218	1
Licenses not transferable.	218	2
Granted not to exceed one year. Treasurer may grant		
—when.	218	3
Treasurer to receive all money for licenses.	218	4
Clerk to give list to treasurer—prosecution by city attor-		
ney.	218	5
License year.	219	6
To pay for year.	219	7

MISDEMEANORS.

Unlawful assembly.	123	1
Disturbing the peace, etc.	123	2
Disturbing religious or other assembly.	123	3
Drunkenness an offense.	124	4
Fast driving and leaving animal unfastened.	124	5
Cruelty to animals.	124	6
Leaving animals tied on street.	125	7
Animals running at large.	125	8
Feeding animals in street.	125	9
Riding or driving upon sidewalks.	125	10
Not to hitch to trees, fences, etc.	126	11
Fast driving in cemetery.	126	12
Discharging fire-arms or hunting in cemetery.	126	13
Damage to cemetery.	126	14
Who may be sent to Industrial Home.	126	15
Intoxication on Industrial Home grounds or streets ad-		
jacent thereto.	127	16
Trespassing upon Industrial Home grounds.	127	17
Gunpowder within the limits of the city.	127	18
Quantity of gunpowder.	127	19
Destroying monuments and cornerstones.	128	20
Competent person run steam engine.	128	21
Grass in park or school grounds.	128	22
Playing in streets, etc., not allowed.	128	23
Impairing buildings, posts, etc.	128	24
Obstructing sidewalks, streets, avenues, lane, alley, street		
crossing or other public grounds.	129	25
Eave pipes and sidewalks.	130	26
Persons congregating on sidewalks and streets.	130	27
Collecting crowd by sale.	130	28
Throwing rice, etc.	130	29
Cellar doors, etc., uncovered.	131	30
Persons on street after night.	131	31
Trespass upon private property.	131	32
Causing dogs or other animals to fight.	131	33
Climbing on moving cars.	131	34
Running of trains.	132	35
Trains obstructing crossings.	132	36
Public indecency, obscene books, etc.	132	37
Falsely representing self to be an officer.	132	38
Selling cigars and tobacco to minors.	133	39
Barbed wire, spikes, etc., on streets prohibited.	133	40
Bringing paupers, lunatics, etc., into the city.	133	41

Loafing on street corners, etc.....	133	42
Firecrackers, shooting.	133	43
Discharge of fire arms.....	134	44
Stallions, jacks and other male animals.....	134	45
Sabbath breaking.	134	46
Sunday shows.	134	47
Barbering on Sunday.....	135	48
Selling goods on Sunday.....	135	49
Horse racing, etc., on Sunday.....	135	50
Disorderly house and place of business.....	135	51
Carrying concealed weapons.....	135	52
Escaping from custody.....	136	53
Vagrancy.	136	54
Intoxicating liquors, sale by druggists.....	136	55
Cheat, swindles, etc.....	137	56
Desertion or exposure of children.....	137	57
Putting dead animals, etc., in wells.....	138	58
Sale of spoiled meat, etc.....	138	59
Adultery, etc.	138	60
Gambling and bawdy houses.....	138	61
Betting on games.....	138	62
Throwing dice, etc., and betting thereon.....	139	63
Owner permitting gambling device on premises, penalty.....	139	64
Keeping gaming device.....	139	65
Leasing houses for gaming and other immoral purposes.....	139	66
Who deemed keeper of gaming and other houses.....	140	67
Who may testify in proceedings against gambling houses.	140	68
Inmate or boarder in bawdy house.....	140	69
Frequenting bawdy houses.....	140	70
Pimps and procurer.....	140	71
Licentious conduct forbidden.....	141	72
Renting rooms for fornication.....	141	73
Reputation of house in evidence.....	141	74
Obstructing stairway.	141	75
Spitting on sidewalk.....	141	76
Soliciting on platform.....	141	77
Driving vehicles or train over hose.....	142	78

NUISANCES.

Unlawful to permit nuisances.....	142	1
What declared nuisances.....	142	2
Hanging meat in street.....	144	3
Throwing slops, etc.	144	4
Obstructing sewers.	144	5
Slaughtering in city limits.....	144	6
Keeping of animals, in pens, etc.....	144	7
Dead animals.	144	8
Dragging dead animals in street.....	145	9
Putrid fish, etc.....	145	10
Killing calf--age, etc.....	145	11
Diseased animals.	145	12
Killing or selling diseased animal for food.....	145	13
Weeds—a nuisance.	145	14
Shade trees.	146	15
Snow and ice.....	146	16
Privies.	146	17
Gates, etc.	146	18
Hog pens.	146	19
Nuisances—abatement, etc.	146	20
Cost against property.....	147	21
Penalty.	147	22
Separate offense.	148	23
Duty of constable.....	148	24
Right to go on premises.....	148	25

OFFICERS.

Officers in city hall.....	78	1
May be removed from office.....	79	2

ORDINANCES.

Authorizing the revision.....	219	1
To compile and revise.....	219	2
Ordinances to be numbered.....	220	3
Amended ordinances.	220	4
Sections renumbered—indexes.	220	5
Contracts—legal proceedings, etc., not affected.....	221	6
Ordinance with penalty provisions, and other sections wherein penalty clause may have been omitted.....	221	7
Ordinances passed after this ordinance.	222	8
People's Gas & Electric Company.....	222	9
Council to examine ordinances, etc.....	222	10
Authentication of ordinances—revision.....	223	1

PAVING.

Resolution—kind, quality and dimensions of the material estimates of cost—publication of—resident owners remonstrate.	180	1
Cost of grading and excavating paid by city.....	181	2
Plans, specifications and estimates by city engineer— approved by council—cannot contract for more than estimate.	181	3
Estimate to contain name of property owner and descrip- tion thereof.	181	4
Resident property owners may remonstrate within ten days after passage and publication of resolution— if no remonstrance is filed, council to pass ordinance calling for improvement.	182	5
Auditor to advertise for bids—price not to exceed esti- mate—contract—bond.	182	6
City engineer to oversee work—report progress—approved by—certify to council.	183	7
Property belonging to city, subject to assessment for im- provement.	183	8
Abutting property to be taxed—each block assessed sep- arately—lien on property.....	183	9
Special tax bill—city not liable.....	183	10
Special tax bill made by city engineer—assessment, each block separately—description of property and name of owner—signed by mayor, attested by city clerk....	184	11
Special tax bill registered by city clerk—delivered to con- tractor—receipt in full.....	184	12
Special tax bill to bear interest—a lien on property— may be paid in three annual installments.....	184	13
Special tax bill assignable—action on—city not liable for cost—prima facie evidence.	185	14
Council to approve work—ordinance not retroactive....	185	15

PAVING; RAILROAD CORPORATION.

Duty of railroad to improve crossings, etc.....	186	1
Railroad to be served with notice.....	186	2
Notice, how served.....	187	3
Railroad failing to make improvements, city to let con- tracts.	187	4
City engineer to submit plans, specifications.....	187	5
City auditor to advertise for bids.....	188	6
Railroad to pave right of way at street crossing.....	188	7
City engineer to oversee and approve work.....	189	8
To assess and levy tax against R. R. property.....	189	9
To issue tax bills, right to sue on same.....	198	10

POLICE JUDGE.

Court.	61	1
Jurisdiction.	61	2
Absent, mayor shall act.	61	3
Action shall be brought in corporate name.	61	4
Information.	62	5
Warrants.	62	6
Hear charges forthwith.	62	7
Parties arrested may give bond.	62	8
Forfeiture of bond.	63	9
Jury trial.	63	10
When demanded.	63	11
Amendments.	63	12
Not necessary to subpoena witnesses.	63	13
Subpoena witnesses, attachment.	64	14
Information may include more than one person.	64	15
Judgment.	64	16
Work on street.	64	17
Discharged on payment of fine and costs.	65	18
Appeal.	65	19
Certified to Circuit Court.	65	20
Charges, without probable cost.	65	22
Depositions.	66	23
Administer oaths.	66	24
Reports.	66	25
Costs.	66	26
Refusing to prosecute.	66	27
Bond of police judge.	67	28
Police judge, city recorder.	67	29
Salary.	67	30

POLICEMEN.

Patrol city.	59	17
Assist city constable.	59	18
Not to drink intoxicating liquors.	60	19
Not to accept reward.	60	20
Must be qualified voters.	60	21
Alarm.	60	22
Search parties arrested.	60	23
Not to communicate information.	60	24
Salary.	61	26
Salary.	61	26

REVENUE.

Object of taxation.	91	1
To be assessed at cash value.	91	2
Property, how assessed.	91	3
Personal exempt from taxation.	92	4
Auditor to deliver books for land assessment.	92	5
Auditor to deliver books for personal property.	93	6
Return by assessor.	94	7
Notice by assessor.	95	8
Council to sit as court of equalization.	95	9
Confirmation of books, council make levy.	96	10
Auditor to extend taxes—Auditor to deliver tax books, form of warrant.	96	11
Taxes when due, collector to give notice.	98	12
Collector shall demand.	98	13
Taxes become delinquent, when.	98	14
If not paid after demand, to collect by sale.	99	15
Duty of collector to return delinquent list—auditor to make back tax books.	99	16
Collector shall return back tax book.	99	17
Auditor to make back taxes into a consolidated back tax book.	100	18

What taxes included in book.....	100	19
Collector to collect taxes—has power to employ attorneys —fees.	100	20
Suits how prosecuted, tax bills, etc.....	100	21
Judgment.	101	22
Sheriff to execute deed to purchaser.....	101	23
Assessment lien on property.....	101	24
Not to invalidate suits or proceedings.....	102	25

SEWERS.

City divided into sewer districts.....	157	1
Designating public sewers.....	158	2
Power to construct.....	160	3
District sewers—private sewers.	160	4
Constructed under supervision of street commissioner and city engineer—contract let to lowest bidder.....	160	5
Constructed on petition of the majority of the property owners of the district.....	161	6

SIDEWALKS, CONSTRUCTION.

Power to cause sidewalk to be built.....	190	1
Cost to be paid by owner of property, lien.....	190	2
City engineer to make estimate of cost.....	190	3
Sidewalks to conform to established grade.....	191	4
Shall condemn old sidewalk, when same removed by city.	191	5
Dimensions, material and size.....	191	6
Width of sidewalk, shall be uniform.....	193	7
Shall advertise for bids; awarding of contract; bond.....	194	8
Cost to be computed; special tax bill to issue against.....	194	9
Property liable for costs; acceptance; tax bill; lien on property; to draw interest; suits on tax bills; city not liable for costs.....	195	10
Corner lots; owner liable for costs.....	196	11
To readvertise when no bids received.....	196	12
City to construct sidewalk, when, etc.....	196	13
Tax bills to be registered; delivered to contractor; re- ceipt.	197	14
Special tax bill to be made by city engineer, etc.....	197	15
Special tax bills; how paid, etc.....	198	16
All sidewalks to be built according to requirements named in this ordinance.....	199	17
Deed by collector.	199	18
Not to invalidate any contracts, etc.....	199	19

SIDEWALKS, REPAIRING.

Duty of owner to keep in repair; engineer to report to council; resolution, etc.....	199	1
Resolution; how served.....	200	2
If the resolution cannot be served personally, to be by publication.	200	3
Tax bill attested by city clerk; city collector to collect; if not paid in 30 days sued on by city attorney..	200	4
Tax bill prima facie evidence.....	201	5
Suits, how brought.....	201	6

SIDEWALKS, CONSTRUCTION; MISDEMEANOR, WHEN.

Unlawful to build sidewalks different from plans and specifications contained in ordinance No. 24.....	202	1
Persons violating ordinance; prosecution; misdemeanor.....	202	2
Separate offense, when.	203	3
To erect barriers across walk; failure; offense; penalty.....	203	4
Defacing sidewalk; penalty.	203	5
Penalty.	204	6

STREETS—OPENING OF.

Police judge shall empanel a jury.....	154	1
Jury summons and challenge.....	154	2
Police judge shall preside, administer oaths.....	154	3

DAMAGES.

How assessed, verdict of jury, etc.....	154	4
Notice shall specify time, date of ordinance.....	155	5
Assessment—a lien—how collected.	156	6
Either party the right to appeal.....	156	7
Compensation of jury.	156	8
The verdict.	156	9
Council to order street opened.....	156	10

GRADES OF.

Establishing a city directrix, or controlling elevation for establishing the grades of streets, alleys, etc.....	163	1
Establishing grade of streets, sewers, sidewalks, etc., at their intersection—elevations, watertable.	163	2
Improvement to be on established grade.....	177	1
Brought to established grade.....	177	2
Brought to sub-grade for paving.....	177	3
Specification and estimate of grading.....	178	4
Advertise for bids—certified check—contract, bond.....	178	5
City engineer to oversee all work—report progress—ap- proved by—certify to council.....	179	6
To be received and approved by city council.....	179	7
City to pay for improvement upon completion of work— appropriation.	179	8

EXCAVATING IN.

Not to make excavations in streets without permission..	175	1
Deposits required.	175	2
Estimate, plans and specifications required—street com- missioner to make excavation if in improved street..	176	3
To fence and light excavations.....	177	4
Penalty.	177	5

STREET COMMISSIONER.

Bond.	76	1
Inventory.	76	2
Under control of council.....	76	3
Duties.	77	4
Supervision over streets.....	77	5
Monthly reports.	77	6
Not to be interested in contract.....	77	7
Work prisoners.	78	8
Wages to be paid for labor.....	78	9
Salary.	78	10

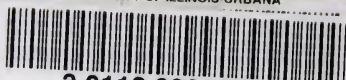
TELEPHONE COMPANY.

Permission to excavate in certain streets.....	215	1
Same; right to construct manholes, city right to use conduits.	216	2
Same; right to excavate whenever necessary.....	217	3
Right to connect with public sewers.....	217	4
Shall restore streets to proper condition.....	217	5

WARDS.

Subdividing city into wards.....	49	1
Repealing ordinances subdividing city into five wards...	50	2

UNIVERSITY OF ILLINOIS-URBANA



3 0112 098437830